

May 31, 2001

TO: The Honorable Lincoln Almond, Governor

It is our privilege to present the report of the Rhode Island Select Commission on Race and Police-Community Relations.

Beginning with the Executive Order of April 2000, the Commission has conducted inquiry through public hearings, individual testimony and meetings with organizations, and research into national and international best practices. We have sought to examine every aspect of the charge from the Executive Order with a commitment to prevention of any similar tragedy to the death of Sgt. Cornel Young and to the repair of race and police-community relations throughout Rhode Island. This report documents our findings and makes recommendations for your consideration.

As we submit this Report of the Commission, we do so in an atmosphere of renewed hope that change is possible. Our work would not have been completed without the unprecedented commitment of numerous volunteers, interns, legislators, local government entities, community leaders and police officers who gave of their talents and creativity to support this work.

We commend our recommendations to you and the leaders throughout Rhode Island in that same spirit of hope. We are pleased that you are continuing the Commission for an additional year of implementation and oversight of the recommendations. It is our conviction that faithful implementation will yield an environment where police and community work together to resolve problems--- where racial and other divides are a distant memory.

Respectfully,

Bernard Lafayette, Jr.  
Chair

*Rhode Island Select Commission on Race and Police-Community  
Relations*

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***Rhode Island Select Commission on Race and Police-Community  
Relations***

**STAFF**

**Executive Director**

Lois A. Wims, Ph.D.

**Research Coordinator**

Lloyd Monroe, Esq.

**Research Associate**

Elizabeth Kunce, M.P.A.

**Administrative Assistant**

Rosemarie Bottari

**INTERNS**

Liliana Polo  
Rodney Jenkins  
Matthew Jerzyk  
Heather Purdue  
Patricia Dos Santos  
Ibrahim Abdul-Matin  
Justin Spiller  
Paul Paliotta  
Roger Sylvia  
Paula Demuth  
Lynne Porreco  
Carissa Gordon  
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Michelle Wan  
Rachel Josephs  
Adelin Guzman  
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***Report of the Rhode Island Select Commission  
on Race and Police-Community Relations***

**EXECUTIVE SUMMARY**

**May 2001**



The Rhode Island Select Commission on Race and Police-Community Relations was formed in response to the death of Cornel Young, Jr., an off-duty Providence police officer of color shot by fellow officers responding to a disturbance at Fidas Restaurant on January 28, 2000. The aftermath of the tragedy highlighted numerous areas of concern in race relations and the relationship between the police and the community served, not only for Providence, also for communities large and small throughout the state.

Over the thirteen months of the Select Commission's existence, information was gathered through myriad sources: seventeen public hearings, small group and constituent hearings, research, policy collections, national and international best practices and site visits, and testimony from experts in the field. Community organizations, individuals, and other Commissions such as the Providence Blue Ribbon Commission (which has a similar citywide charge) were contacted and shared experiences and data with Commissioners and staff.

In a Progress Report released in January of 2001, the Commission made two initial recommendations regarding accreditation, unified criminal justice training and a certifying and expanded role and purview for the existing Police Officers Standards and Training (POST) Commission. These recommendations, supported by legislation introduced in this legislative session, set in motion the means to provide the infrastructure and mechanisms necessary for the more complete recommendations in this Report.

## **The Prevention of Another Friendly Fire Incident**

The Select Commission recognizes the frequently indistinct world police officers face in the performance of their duty each day, where decisions made in a split second have devastating consequences for the community, for the officer. Officers must rely on information obtained from multiple sources including their own perceptions however impeded by physiological responses to stress. In such a universe of imperfection, tragedies occur. It may not be possible to completely eliminate all of the contributing factors in the loss of Sgt. Young, but the Select Commission's strong obligation is to reduce the potential for a similar occurrence.

Incidents of “friendly fire” throughout the United States include some with remarkable similarities to the Young situation, particularly in Washington, D.C. The Commission interviewed dozens of police trainers and executives from across the country and used much of the information to devise a set of recommendations that speak to the prevention of this type of loss or injury. Providence Police at the time of the shooting had a policy requiring its officers to carry a firearm off-duty at all times. We found this policy to be an anomaly both in Rhode Island and other states. Chief Charles Ramsey of Metropolitan Washington, DC Police was more direct: “It’s the first thing I got rid of when I came here.”

We found very little mention of training specific to off-duty intervention and its inherent risks in training lesson plans from recruit academy trainers, although many agencies mentioned General Laws of Rhode Island and departmental policies in their policy directives. It is even less clear that any repeated instruction about tactics with deadly force in off-duty situations was part of annual requalification in all areas of the

state at the time. Although it is likely that the Young case will be incorporated in tactical instruction in the future, the Select Commission wants to be sure that such training is consistent, comprehensive, and systematically a part of recruit and recurring quality in-service instruction annually. We believe this vital aspect needs to be drilled and re-tested far beyond firing in full light conditions at stationary paper targets.

Further, the Select Commission believes that there need to be both behavioral and symbolic means to help an off-duty or undercover officer intervening in a crime be instantly identifiable to on-duty officers. We recommend examples of each but also expect that these need to be tied into training and uniform across the different agencies given the likelihood of multi-jurisdictional travel in Rhode Island. Having two indicators would, we hope, act as a failsafe in the high intensity of street crime scenarios.

The Select Commission shared the community's concern that on the night in question, a rookie officer was paired with an officer only recently returned to duty following a controversial shooting incident. In the Grand Jury transcript and elsewhere, the officer is described as a 'training officer' for the rookie officer. We find no indications that such assignment was predicated on unique attributes and skills nor on any formal field training program in Providence. We found other departments within the state to have a more mindful approach to field training and much interest in field training enhancement through a 'training the trainers' approach. While cognizant of the small size of many agencies in Rhode Island, the Select Commission would like to foster the growth and development of these key individuals who shepherd our new recruits. They are sorely needed for the socialization and on-the-job training and assessment of persons new to law enforcement, providing as well vital information on probationary officers and

their demeanor within the community. Recommendations about Field Training speak to the Young incident but also to police-community relations and accountability issues further delineated within the Report.

The reader is struck in any review of the Grand Jury transcript by the relative youth and inexperience of the numerous officers during the early morning hours of January 28, 2000. In a closer examination of seniority and age disparity by shift across the police agencies within the state, we find that Providence Police shared such characteristics with most other agencies. The Rhode Island State Police, with two twelve hour rotating shifts, produces a more balanced mix of senior and junior troopers than the cities and towns have been able to achieve. Lively debate on this subject abounds. We recommend police chiefs and union officials use meaningful incentives as a way of producing such shifts in their next collective bargaining agreements.

## **Use of Force Accountability**

We will never know what role, if any, Sergeant Young's race had on the shooting. We do know that the uses of all kinds of force by police are fraught with both emotion and perceptions of a lack of accountability by our communities. Without more openness from police agencies about their uses of force, it is difficult to assuage fears and respond to concerns from the community. Recommendations here begin with requiring Rhode Island agencies to document and disseminate information about uses of deadly and non-deadly force by officers. It is strongly recommended that the information be used as an aid to supervisory personnel making decisions about discipline, remediation, retraining

and other intervention where warranted, and for informing the training process for in-service and recruit personnel.

More serious uses of force should trigger additional layers of accountability and oversight extending beyond a particular agency's resources and loyalties. In cases of any discharge of a weapon in the direction of a human target, and in any use of force which causes a serious injury to a civilian subject, the Commission posits that a Force Investigation Team, or FIT, be activated. This model is in place, with variations, in a number of jurisdictions that have experienced problematic uses of force over time. The FIT, organized from state-wide sources, and reporting to the Attorney General, would be composed of experienced police investigators and would give feedback to the Chief of Police and the Attorney General regarding criminal and civil rights aspects of the use of force and a review regarding departmental policy violations.

## **Police Community Relations and Racism**

Throughout the hearing process, Commissioners heard repeated testimony about the existence of 'a sad divide' between the communities served and the police who serve them. This was expressed acutely by African Americans, Latino/as, Native Americans, Asians, Caucasians, and extended to all the corners of the state. Transcending race, we also heard similar testimony from the Gay, Lesbian, Transgendered community and from youth to the elderly. Use of force incidents and the Young shooting itself were the source of agony, certainly, but the tales of a steady corrosion of indignities and interruptions by rude or uncivil officers comprised significant portions of the testimony as well. The

Select Commission noted painfully the alienation of young Rhode Islanders of all colors evident from the cities to the suburbs.

We heard from police officials as well, struggling with budget constraints and increasing demands in their municipalities, and frustrated by a focus on the widely publicized examples of what they know to be a minority of miscreant officers. The hurt over the loss of Sgt. Young and the cloud of suspicion over the two on-duty officers resonated throughout a law enforcement community as an example of every officer's worst nightmare.

The Rhode Island Select Commission as constituted brought the community and police viewpoints to the same table, and served as a microcosm of what can be done in an emotionally-charged atmosphere when people of goodwill commit to affecting change and work side-by-side to achieve it. The recommendations about police-community relations and youth function for the most part as a collection of suggestions as a springboard for key community stakeholders to work together with police agencies in their communities. The Select Commission has avoided prescription and a grafted-on approach, believing that communities themselves, working in concert with the police in an atmosphere of open communication wherever possible, will produce truly community owned results. However, we wish to emphasize that we believe it to be essential that some form of community-police partnership in community problem-solving needs to be a priority of each agency, whatever its mission. That in many areas the problem solving needs to extend to improving the future for our young people is very clear to the Select Commission, as we were frankly appalled by much of what we heard regarding truancy, dropout rates, and the cynicism of the youth in our schools.

Paradoxically, the seeds of our hope were also evident in hearings in our schools. The faces in front of us were multi-ethnic and illustrated what the 2000 Census Data confirms: some Rhode Island's cities are now of "majority/minority" or very close to it. Our students live in a decidedly more mixed environment than their parents did, one which provides increased richness of opportunities for cross-cultural understanding. It remains for us to capitalize on this enormous resource.

Recruitment for Rhode Island police agencies needs to look deeply within the state and broadly beyond its boundaries to attract a diverse and highly qualified pool of candidates and we have recommended ways and means to do so. But the efforts need to start well before the young reach the decision age about a police (or other) career. Our recommendations for youth include efforts to empower young people's lives and provide role and career models, and a sense of responsibility and community support, much earlier on.

We know of no higher principle of law enforcement than that which requires an officer to enforce and uphold the law fairly and justly without bias or prejudice. Rhode Island has taken the lead in the nation in terms of gathering data regarding traffic stops and outlawing any practice of race as the sole reason for a vehicle stop. The Commission is concerned that while awaiting information to guide decision making regarding racial bias in vehicle stops, the state may lose the higher ground of eliminating biased practices by law enforcement beyond such traffic stops. Towards that end, the Commission recommends screening for bias and prejudice in the hiring and promotional process for police officers, and a requirement of affirmation of nondiscriminatory law enforcement and community service as part of the oath of office for each officer within the state.

## **Accountability**

In the Progress Report of the Select Commission initial recommendations sought to provide structures of accountability at two levels. The Accreditation recommendation is multi-faceted but focused on holding agencies accountable. Accreditation requires police agencies to be explicit about their mission, values, and policies and procedures and to assess with community input the degree to which goals are achieved. Accredited police agencies are in contact and need to be attuned to the community served through regular and open avenues of communication and feedback. Accreditation is not merely a single ‘injection’ of professionalism; it requires continual self-assessment and commitment to improvement of service. Police agencies in Rhode Island currently vary widely in the degree to which they meet professionally recognized criteria for excellence. Policies vary in many crucial areas: use of force, firearms policy, complaint procedures, recruitment, pursuit, civility and ethical standards for officers, and evaluation of officers. The RI Select Commission felt in January, and does now, that the State has a compelling interest in agencies developing standards in every area of concern to the community and described through the hearing process as well as those law enforcement agencies agree are vital. The Select Commission notes with approval the agencies currently holding The Commission on Accreditation for Law Enforcement Agencies (CALEA) accreditation and those pursuing such accreditation, but we also note that expense involved has deterred other agencies or their administrations from pursuing CALEA. We know those agencies are also very interested in raising the quality of service they provide. We have studied statewide accreditation commissions across the country and believe that our



professionals can work together to produce implementation of a statewide plan for Rhode Island.

The second recommendation from the Progress Report for a unified Criminal Justice Training Academy includes mechanisms to hold individual officers accountable throughout every stage of their careers. In the publicity surrounding the Academy aspect, the role of an expanded Commission on Police Officers Standards and Training (POST) as an instrument of accountability was not made clear to Rhode Islanders. The current Commission on Standards and Training has voluntary input from the Rhode Island State Police and no regular input from the Providence Police. The POST as it stands sets standards for municipal police training but does not function the way a POST does in other states. The POST would, upon successful completion of recruit training, initially certify an officer as a probationary officer. The POST would also be responsible for reviewing the officer's performance at the end of the probationary period with input from supervisors, field training officers, the chief of the agency, and ideally, the public. Certification would then be for a period of three years and subject to review by the POST regarding successful achievement of continuing training and the maintenance of standards in ethical behavior. An implementation group for this recommendation from the Progress Report was included in legislation that has passed the RI Senate as of this writing.

Specific areas of accountability issues include the process by which civilians can seek redress if they have a complaint about treatment by the police. The RI Select Commission heard testimony about processes perceived to be intimidating, unclear, resistant and slow. We found widespread ignorance about what rights a citizen has in

complaining and what structures exist and how they are utilized. In studying the process, the Select Commission asked numerous questions of our city, town, and State Police agencies. Some were prompt and thorough in getting back to us with data, exemplars of forms, policies, and what analysis of complaints had been done in-house. Others noted the limits of technological support for data collection and the constraints on small police agencies, but exhibited commitment to responsiveness to citizen complaints. Others ignored our request. In this way, the Commission experienced in a small way what it might be like for a person who wishes to make a complaint and the disparity of responses depending on individuals and agencies. We are convinced that forceful recommendations are necessary to improve processes by which complaints are received, investigated, tracked, judged, and resolved. At the same time, agencies need to be proactive and respond to questions the public may have and provide answers and community education to improve understanding of the role and procedures of police officers. Often, just providing this education can prevent complaints. The timeliness and transparency of the processes are stressed as well in our recommendations. We hold officers responsible for reporting misconduct that they witness with appropriate protection against retaliation for doing so. Misconduct by other officers should be neither tolerated nor overlooked.

Civilians have also clamored for more of a voice in the process by which police officers' conduct is adjudicated particularly when a civilian complaint is at the heart of the allegations against the officer. This clamor was most acute in Providence hearings and the issues behind the perception of Internal Affairs and discipline by the Chief of Police are of long standing, predating the efforts of the current Colonel to resolve since his tenure began. For these reasons, the Select Commission recommends that the

Providence External Review Authority currently before the Providence City Council be implemented and systematically studied during a pilot period. We urge other agencies within the state to proactively review the concept and opportunities for civilian input into the practices and procedures of police service delivery. Interested parties can be referred to the recent (April 2001) comparative study on civilian review models from the United States Department of Justice for inspiration as well as any data from the PERA pilot in Providence.

The Law Enforcement Officers' Bill of Rights (LEBOR) is a law that the Select Commission believes needs to be directly addressed by the parties most able to effect any changes through the legislative process. There were areas of the Bill that the Commission reviewed with legal counsel and some key stakeholders at the table and we submit those recommendations: (1) increase in summary punishment provided a grievance/arbitration option is available, (2) composition of the hearing panel extended to civilians, (3) methods of investigation, and (4) communication with any civilian complainant involved in the process. There may well be more considerations this panel would identify and recommend for change. We do not mean to limit in any way a thorough review of the law: its purpose originally, its consequences for officers, chiefs of police, citizens, and the community, and its role in law enforcement in Rhode Island in the future.

## **A Qualified, Diverse and Continually Trained Force**

Police departments should without question reflect the diversity of the population of Rhode Island. We are encouraged by recruitment initiatives underway which have

enhanced the applicant pool currently for Providence and other cities in Rhode Island but we believe that there would be strength in consolidation of effort across the agencies. Recruitment is too necessary and too important a task to keep decentralized and scattered. A unified commitment is necessary and we have recommended a means of doing so.

In like fashion, the officers selected need to have been assessed systematically over a broad spectrum of attributes to inform the decisions selection committees in cities, towns and for the state will make. Hiring decisions are crucial for the delivery of quality police service and should be based on a true consideration of the character, abilities, and aptitudes of candidates. We find no place for hasty and ill-considered appointments to police departments for whatever reason.

The State of Rhode Island needs to commit to the best possible recruit training for each officer followed by evaluative field training within the agency. We cannot stress enough that such training provides a foundation that needs to be built upon throughout each officer's entire career. Officers must continue to update their knowledge, skills, and abilities. Our world is one of incredibly rapid change and officers must have the versatility to work with changing needs within their communities. In-service training needs to be a mix of required core offerings and electives focusing on agency priorities and officer assignments. We believe it also to be critical that those who supervise other officers undergo supervisory training. Themes essential from recruit through in-service core training include communication skills, cultural sensitivity and competence, and ethics and professional conduct.

## **Implementation**

Full implementation of this Report will require the combined efforts of a number of individuals working creatively. We are pleased to note volunteers the Select Commission has already heard from: police chiefs, union leaders, trainers, representatives from the colleges and universities, community leaders, and citizens. This groundswell of willingness to pitch in is inspiring and will be needed in the days ahead. We have our path cut out for us.

Implementation planning groups formed by legislation will begin their work immediately. One group will plan for Rhode Island Police Accreditation. The second group will plan for the Criminal Justice Academy/Police Officers Standards and Training. Each will be considering costs and identifying sources of support. The planning groups will be given the recommendations from this report which link to the areas of their purview, and we expect to share staff and our research and resources to help them complete implementation plans.

The Rhode Island Select Commission gratefully accepts Governor Almond's extension of the life of the Commission for an additional year. Many recommendations within this report will require oversight and outreach to achieve and may foster new ideas and insights into improving race and police community relations in the coming months. The Commission will hold follow up conferences for youth and for police and community leaders and work to continue the exchange of ideas begun in this year. We are believers in the power of the constituents in the state, people of goodwill, working together to grow from tragedy to better communities for all of our children.

## RECOMMENDATIONS LIST

*Priority recommendations are designated in  
bold type.*

## **CHAPTER ONE: SHOOTING AND INVESTIGATION**

### *Investigation*

1. **While recognizing the discretionary authority of the Attorney General, the Select Commission recommends that in police shooting investigations resulting in a death, an independent Special Assistant Attorney General should be appointed. Such appointment should be widely publicized.**

### *Off-duty Carry Policy*

1. **Mandatory carry policy for off duty officers in effect in Providence and Jamestown should be revised to a discretionary policy with restrictions regarding alcohol use, storage, and maintenance of the weapon.**
2. **All agencies should incorporate policies which include a risk/benefit analysis regarding the carrying and use of off duty weapons.**
3. **Agency policy should address also the lesser lethality weapons off- duty (handcuffs, restraint devices, chemical spray etc.)**
4. **When armed and out of uniform, officers should also have in their possession a fluorescent-colored identifying marker which can be worn concealed on a chain underneath clothing, to be displayed before any intervention in an off-duty or out of uniform situation. This should be standard in color, shape and issued to all Rhode Island law enforcement officers.**

### *Off-duty/Undercover Intervention Training*

1. **A ‘universal signal’ taught to officers across the state to identify themselves as police officers when out of uniform and in contact with an on duty officer.**

- 2. Recruits throughout the state, regardless of agency or training academy, receive mandatory specific training regarding intervention while out of uniform, on or off duty. Realistic role-play scenarios need to be part of this training using live actors and paint-ball devices. A caveat here that a number of training accident deaths and injuries have taken place across the country when “blank” ammunition training devices are used and so this Commission prefers the use of paint-ball, soap ‘simunition,’ or similar devices.**
- 3. Technological simulations which can be manipulated to incorporate a wide range of potential use of force scenarios commercially available include Firearms Training Simulation (FATS) and Range 2000. As the technological simulation materials improve they should be updated and used. The unified training academy needs to have this technology available for both recruits and inservice training needs of the state.**
- 4. Training, both at recruit and inservice levels, should address intervention within the officer’s jurisdiction, outside the officer’s jurisdiction, misdemeanor and felony crimes, and risk/benefit analysis.**
- 5. Continual inservice training in the entire spectrum of use of force needs to take place yearly. This goes beyond the qualification range exercises alone and should also include tactical, experiential components. Officers who do not receive a passing grade in both paper and pencil and simulation exercises need to have remedial training to address the areas of inadequacy and retake until a passing grade is achieved. After two (2) repeats, an officer’s certification can be suspended. (see Chapter 5 for decertification processes.)**



### *Officer Shift Assignment*

1. Police chiefs and union officials find a way to produce shifts with a blend of experience and perspectives across years of service.
  - a. Officers working evening and overnight shifts receive extra points on promotional examination  
AND
  - b. Senior officers working evening and overnight shifts receive a meaningful pay differential which is a true incentive.

### *Field Training/Partner Assignment*

1. Agencies without field training programs implement a Field Training component. Smaller agencies might instead wish to add Field Training aspects to the responsibilities of the Sergeant or Officer-in-Charge of the shift to which a probationary patrol officer is assigned.
2. Field Training Officers are selected based on five years of exemplary service, aptitude for teaching other recruits, and a service record free from disciplinary action.
  - a. FTO service be considered in point systems towards promotion
  - b. FTO's be identifiable in the community by an additional pin or insignia on their uniform.
  - c. Municipalities and union leaders should work together to phase in meaningful compensation for FTO's.
3. Field Training Officers become certified as such by attending a FTO academy training program. FTO's would need to successfully complete the FTO Academy (see training recommendations in Chapter 6) to be certified as such by the POST Commission/Unified Training Academy. Curriculum would include a field component in the more diverse areas of Rhode Island

**and community service. FTO's would also be evaluated on their performance.**

- 4. Observation and evaluation forms are completed and retained on each recruit by the FTO and the supervisory officer. Recommendations for certification, extension of probation, and termination are made to the Chief of Police based upon this information.**
- 5. The Chief of Police reviews recommendations and determines for each probationary recruit:**
  - a. Successful completion of probationary period referred for initial certification**
  - b. Extension of probation and remediation through training and/or continuing of Field Training Officer supervision**
  - c. Termination**
- 6. The Chief's recommendation regarding successful completion of probationary period is referred to the Certification Committee of the POST/Unified Training Academy along with supporting documentation. (see Chapter Five recommendations regarding Certification)**

## **CHAPTER TWO: USE OF FORCE**

- 1. A Use of Force Incident Report Form shall be completed for each use of deadly force and non-deadly force (with the exception of mere presence, verbal commands, or submissive handcuffing)**
- 2. A Use of Force Incident Report Form shall also be completed any time a firearm is drawn and pointed at, or in the direction of, another person.**

3. **This data is collected and maintained by each police agency, follows the IACP Use of Force Data Collection Survey Instrument, and is sent to the POST. It should be made available to the public upon request, and available online in agencies with a website.**
4. **Use of Force Incident Report Forms should be regularly reviewed by supervisory officers within each department. Where discipline is warranted, referral for such should be made in a timely fashion. Short of discipline, there may be the opportunity to mandate remediation and retraining when an officer's use of force seems to be statistically significantly more frequent than officers with similar patrol assignments.**
5. **A Force Investigation Team reviews each form and investigates each use of deadly force where a shot is fired, whether or not it struck its intended target and any other use of force which resulted in a serious injury to suspect(s.) The focus of the Force Investigation Team is to conduct a criminal and criminal civil rights investigation and gather facts about the use of force. Ultimately, a force review will also include a policy review regarding the departmental policy and whether such policy was violated in the instant case. Policy violations are referred for departmental disciplinary procedures outlined in Chapter Five recommendations. Short of discipline, there may be, with the increased availability of data, the opportunity to mandate remediation and retraining when an officer's use of force seems to be statistically significantly more frequent than officers with similar patrol assignments.**
6. **The Force Investigation Team will be composed of detectives from across the state, selected from volunteers who show aptitude for investigation and policy review, experience, education, and complete FIT training and certification process. A FIT investigator will never be assigned to respond to an investigation involving his/her home agency. The FIT reports its**

**assessment of each use of force to the Attorney General, the Chief of the agency involved in the incident, and may make recommendations to the POST regarding training implications of what they have found.**

- 7. The Force Investigation Team will also identify training and risk management opportunities. As part of a continuing feedback loop, this information will be shared with the POST Commission on Standards and Training and the Criminal Justice Training Academy.**

### **CHAPTER THREE: POLICE-COMMUNITY RELATIONS**

- 1. All police departments in Rhode Island must create a community policing policy that is crafted with community members and key stakeholders. Such policies should include a vision statement and mission for the agency which goes beyond lip service and is jointly owned.**
- 2. Community Management Teams should be established. The Teams should be comprised of key stakeholders based upon district; religious leaders, residents representative of district demographic, school officials, business owners, local officials etc. These teams will meet on a regular basis with police supervisors and officers assigned to the district. The primary function of the community management team is the coordination of resources toward community partnerships born of common goals for community development.**
  - a. Regular community and police meetings reporting on department activities and data collection should take place. As needs or problems arise, these mechanisms can provide a useful source of community education and input.**
  - b. Website should be expanded as a tool for linkage and community police partnerships and as a source for soliciting community feedback.**

3. **Police agencies should consider both business cards identifying the officer and contact information and trading cards with photos (community activity emphasized) and information for use with youth and in positive interactions with the community. Corporate/community resources could be a source of sponsorship for the printing costs.**
4. Where they exist, community substations must be better staffed and housed in buildings used by the community.
5. Citizen's Police Academies should be expanded. Smaller agencies could consider joint regional co-sponsorship.
  - a. A Youth Police Academy model which includes education for youth about their rights and conflict mediation and community issues.
6. Flyers about new and existing community programs of the police department should be readily available to the public at multiple sites. Communities should consider the possibility of using this type of public relations opportunity in the form of a newsletter, bringing both the positive and negatives of policing within the community to the public's attention.
7. Publications dealing with community and police issues should be translated into multiple languages and available at community centers, police departments, religious centers, and agencies which interact with immigrant populations.
8. **Build upon existing after-school programming for youth to include education about legal issues and youth. Increased use of high school, college, and university student interns by both police agencies and community programs is encouraged.**

## *Youth*

1. Youth versions of Citizen Police Academies are suggested, graduates receive patches/junior badges from the department
2. **Suggest to the Rhode Island Department of Education that a mandatory unit for all Rhode Island children in middle school on the topic of Law and Society. Content required including a discussion of youth rights.**
3. **Parental notification of truancy should be done systematically by schools throughout RI should a student miss a day without an excuse.**
4. Creation of charter and/or magnet schools through federal funding. The emphasis for these schools would be for youth interested in law enforcement careers.
5. **Encourage the implementation and expansion of School Resource Officer programs with careful assignment of personnel, where the community management teams believe it to be appropriate.**
6. **Expansion of police-youth athletic contacts. Competitive sporting events in different sports (i.e. soccer, football, basketball, baseball) that culminate in the Police Peace Games tournaments which would bring ‘matched cities’ vying for a prestigious title.**
7. **Urge the Family Court to consider a youth court where juveniles are judged and sentenced by their peers for minor offenses.**
8. Police agencies consider summer camp/adventure/Outward Bound experiences for juvenile offenders, at-risk youth, and juvenile/community police officers, perhaps regional or county-wide with sharing of resources.

## **CHAPTER FOUR: RACISM**

- 1. Screening for potential bias must be routinely part of any selection and interview process for police selection and police promotion.**
- 2. An affirmative statement regarding nondiscriminatory law enforcement and community service become part of the oath of office for each law enforcement officer within the state.**

## **CHAPTER FIVE: ACCOUNTABILITY**

- 1. All state and municipal law enforcement agencies shall become accredited by a Rhode island Police Accreditation Commission (RIPAC) and/or Commission on Accreditation for Law Enforcement Agencies (CALEA) within three to five years. State accreditation by RIPAC shall include, at a minimum, satisfactory evidence and documentation supplied by the law enforcement agency that it has established, enforced, and maintained procedures and policies that:**
  - a. expand recruitment with emphasis upon developing a diverse pool of applicants
  - b. Assess recruit abilities across a broad spectrum of attributes that include, but are not limited to, psychological testing and candidate interviews designed to identify bias and prejudice.
  - c. Evaluate performance of probationary status officers to ensure quality officers are referred for certification.
  - d. Clearly define the use of force
    - i. Require use of force incident forms
    - ii. Govern off duty conduct and intervention

- iii. Require supervisors to evaluate each use of force and if necessary, recommend remedial training, discipline, and/or a change in departmental procedures.
- e. Require training and certification of field training officers
  - i. Evaluate performance of field training officers to ensure quality mentoring of new officers.
- f. Require in-service continuing training and education.
- g. Require in-service and recruit training in the subject of interpersonal skills relating to diverse populations, with an emphasis on awareness of cultural differences.
- h. Require recruit and inservice training on ethical behavior and professional conduct
- i. Require recruit and continued training on the use of non-lethal force options
- j. Require certification and re-certification on emergency vehicle operations
- k. Require initial and continuing employment certification and recertification by the POST as a condition of continued employment.
- l. Provide annual public reports that include statistical and summary information on uses of force, searches and seizures, arrests, complaints and misconduct investigations as well as internal and external commendations.
- m. Elicit annual periodic feedback from the public on departmental practices, officer behavior, and levels of civility.
- n. Require that compliments and/or commendations of officer behavior received from citizens be noted in the complimented or commended officer's file, and considered in the context of performance evaluations as well as for promotions.
- o. Require wide dissemination of departmental policies and procedures governing non-discrimination, interactions with citizens, the intake, investigation and resolution of misconduct complaints, and commendations. The phrase "wide dissemination" includes effective



outreach to the entire community---including members of racial or ethnic minority groups---served by the department.

### *Misconduct Complaints and Investigations*

- 1. In the absence of any statute, federal or state administrative regulation, consent decree and/or court order requiring a department to otherwise follow a particular policy and specific procedure, all state and municipal law enforcement agencies shall develop, implement, and publish citizen complaint intake and handling procedures and policies. The aforesaid procedures and policies shall include, at a minimum, the following:**
  - a. A full and fair opportunity to file complaints alleging officer misconduct. Complainants must be allowed to file complaints in-person, by mail, by telephone, by facsimile transmission, or where possible, by e-mail. A complaint form should be offered but completion of the form shall not be required to initiate a complaint or investigation. Anonymous complaints should still be investigated, subject to the limitations inherent in such complaints. A person making a complaint shall not be required to provide his or her oath or affirmation to initiate a complaint or misconduct investigation. Individuals must be able to obtain and file complaint forms at places other than the law enforcement agency itself. Forms and simple instructions on how to file complaints should be available at all municipal (town or state) offices, public libraries, public schools, community centers as well as at other places (including police stations) within the jurisdiction.**
  - b. Expressly prohibit all officers and other state and municipal employees from refusing to accept complaints or attempting to dissuade a civilian from filing a complaint. No citizen or other complainant shall be required to meet or speak with a supervisory**

officer as a precondition, condition or requirement for filing a complaint. Any officer or other employee who refuses to accept or attempts to dissuade or prevent any person from filing a complaint shall be disciplined administratively, or where appropriate, prosecuted criminally.

- c. A widely disseminated provision that complaints shall be accepted and received from all individuals, including those who request anonymity, as well as from third parties—in order to ensure that witnesses of abuse or misconduct can initiate complaints as well as victims of such misconduct.
2. A requirement of an affirmative duty that all departmental officers and employees report police misconduct or ethical violation that they witness or of which they become aware. The failure to report such misconduct or ethical shall be the subject of appropriate discipline, up to and including termination of employment. Departments may wish to install a confidential hotline for anonymous reporting of misconduct and ethical violations.
3. Provide appropriate protection against retaliation for officers who report police misconduct or ethical violation. Such protection should include a personnel policy that no officer shall be the subject of any adverse administrative action based or founded upon the officer's report of misconduct or an ethical violation.
4. A requirement as a condition of continued employment that officers file a report to the chief executive officer of the department and to Peace Officer Standards and Training (POST) Commission disclosing any instance in which they are: arrested or criminally charged for any conduct; named as a party in a civil suit regarding on-duty conduct; or named as a party in a civil suit regarding off-duty conduct where the allegations are related to the

**officer's ability to perform law enforcement duties (e.g., use of improper force, fraud, or discrimination).**

- 5. Establish a process that ensures that whenever a court or a prosecutor concludes that an officer engaged in misconduct in the course of criminal investigations or proceedings (e.g., engaged in false and misleading testimony or dishonest or unethical conduct, or improperly charged an individual with resisting arrest, assault on an officer, failure to move, or disorderly conduct in an attempt to justify inappropriate use of force) that the chief executive officer of the department and the POST Commission be notified.**
- 6. All misconduct investigations shall be thoroughly and impartially conducted within thirty (30) days of the filing of the complaint. Complainants shall be kept informed as to the status of the investigation. Investigations shall be conducted giving appropriate consideration for the due process rights of the officer, in light of all applicable statutes, regulations and collective bargaining agreements. At the conclusion of the investigation, copies of all reports of investigation shall be forwarded to the chief executive officer of the department, complainant(s), the officer(s) alleged to have engaged in misconduct, and the POST. Complainants should be informed in writing of the reasons why or why not disciplinary action was warranted or unwarranted, the disciplinary action recommended by the investigators, and the discipline actually imposed by the department.**

### *Civilian Review*

- 1. The implementation of PERA for civilian review in the city of Providence. During a pilot period, and thereafter if adopted, data be systematically collected on both complaints and the course of complaints through the process of civilian review, and be released publicly on a quarterly basis.**

2. **Statewide, agencies review the concept and opportunities for civilian input into the practices and procedures of the police service delivered in each community.**

### *RESOLUTION OF MISCONDUCT ALLEGATIONS*

1. **All state and municipal law enforcement agencies, where necessary, shall enact or amend departmental policies and procedures to reflect the following general principles in the resolution of misconduct allegations:**
  - a. **In evaluating evidence and making credibility determinations—the agency’s chief executive officer and any hearing committee that makes factual determinations in connection with the officer’s exercise of due process rights—should consider all relevant factors. No investigator, supervisor, agency chief executive officer or other decision maker should make any automatic judgment that a credibility determination cannot be made where the only and principal information about an incident is the conflicting statements of an officer and a citizen. Likewise, there shall be no automatic preference for an officer’s statement over a civilian’s, or vice versa.**
  - b. **Consistent with applicable statutes, rules and labor agreements all law enforcement agencies shall appropriately discipline any officer who is the subject of a substantiated misconduct allegation regarding excessive force, false arrest, improper search or seizure, discriminatory law enforcement, discriminatory behavior in the workplace, or who fails to report misconduct and ethical breaches by another officer. Any officer found guilty or who enters a guilty plea in a criminal case regarding on-duty conduct; or who is found in a criminal proceeding to have intentionally committed misconduct involving excessive force, false arrest, improper search or seizure, giving false testimony, or some other act involving a crime of moral**

**turpitude, shall be appropriately disciplined up to and including termination of his or her employment.**

- c. When deciding and imposing the appropriate discipline for an officer who is the subject of a substantiated misconduct allegation, the decision maker should consider the nature and scope of the misconduct, and the involved officer's history of misconduct investigations and discipline.**
- d. Regardless of whether a misconduct allegation is substantiated or whether discipline is ordered, the department shall also consider whether to require training, counseling, or other non-disciplinary measure for officers who are the subjects of misconduct investigations. Likewise, where a pattern of unsubstantiated misconduct involves allegations of excessive force, false arrest, improper search or seizure, discriminatory policing, or discriminatory behavior in the workplace, the department should require appropriate remedial non-disciplinary measures such as training, coaching, or counseling.**

### *The Law Enforcement Officers' Bill of Rights*

- 1. A legislative subcommittee, or other study panel, be convened solely on the subject of the Law Officers' Bill of Rights. Affected stakeholders such as police union leadership, police management, legislators, and community leaders should particularly review, but not be limited to, the following proposed changes to the Law Officers' Bill of Rights:**
  - a. Summary punishment by Chief of Police to be increased to five (5) day suspension, with provisions for due process rights of officers through a grievance or arbitration process.**

- b. The composition of the hearing committee. Total of hearing committee increasing to five (5) members. Three (3) of the five members shall be active or retired law enforcement officers from within the state of Rhode Island (other than chiefs of police) who have had no part in the investigation or interrogation of the law enforcement officer. Two (2) members of the committee shall be citizens who have no business, employment, or familial relationship with law enforcement agencies or officers. The chief or highest ranking officer of the law enforcement agency and the aggrieved law enforcement officer shall each select one law enforcement member of the committee. The third law enforcement officer and the two citizen members of the committee shall be selected by the presiding justice of the Superior Court from the panel of adjudicators.
- c. Wide advertising to achieve a racially, ethnically, and gender-diverse pool of civilians willing to serve as adjudicators. From this pool, a list of these citizens will be provided to the presiding justice of the Superior Court, then subject to *voir dire* or questioning by both attorneys in the case.
- d. An audio or video tape recording device shall record all interviews and interrogations.
- e. An audio or video tape recording device shall record all interviews of complainants and other witnesses. In the event that a third party witness wishes not to be video or audio taped, statement(s) will still be taken.
- f. A citizen complainant (if any) shall be given ample opportunity to present evidence and argument with respect to the issues involved. The law enforcement agency, law enforcement officer, and citizen complainant (if any) may be represented by counsel.

- g. A copy of the record shall be provided to the citizen complainant (if any), the law enforcement officer, or to the attorneys or representatives of record upon request.

## **CHAPTER SIX: RECRUITMENT/SELECTION/TRAINING**

- 1. Recruitment for all police agencies become a part of the responsibility of the enhanced POST Commission on Standards and Training/ Training Academy proposed in the Progress Report of the Select Commission.**
- 2. Recruitment must become an ongoing, proactive and continual process for municipal officers and the Rhode Island State Police. Projection of expected openings annually ---with a cushion for unforeseen retirements and resignations ---needs to be submitted in a timely fashion to the enhanced POST on Standards and Training/Training Academy.**
- 3. Application forms and process must be standardized for city and town police agencies and continually available in a number of community centers across the state. An emphasis on locations of convenience for minorities and young people should be continued.**
- 4. Statewide and national advertisement of recruitment with targeted, synchronized, campaigns in venues of interest to a pool of desirable candidates must be demonstrated. Colleges and universities designated as Historically Black Colleges and Universities, the Tribal Colleges, Colleges with high percentages of Latino/a population and Asian and Pacific Islander population should be included in any national recruitment effort.<sup>1</sup>**

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<sup>1</sup> A list of such institutions was included in the Progress Report and is available upon request.

5. **Outreach to high schools, colleges and universities within and outside of the state of Rhode Island. Career day appearances and career fairs, student publications, use of the Internet, etc.**
6. **Background investigation for each candidate along the State Police model and beyond a simple check of references. Polygraph examination of candidates if approved by the Rhode Island Legislature.**
7. **Assessment of recruits will be centralized and the responsibility of the POST Commission on Standards and Training/Training Academy. This Assessment Center would assess candidates' physical agility, mental attributes, psychological attributes, interview skills, and aptitude for a police career. Potential sources of bias must be assessed and be cause for disqualification of an applicant.**
8. **Lists of Assessed Candidates are then prepared for each city and town, or state, selection committee, with contact information. Candidates who have passed assessment will receive a list of police agencies with openings for the next recruit class with contact information. A "Match Day" might be then facilitated for assessed recruits and city/town/state personnel officials.**
9. **City/town/state selection committees would ideally have community representation. Offers to send the recruit for training from a particular department would be made only from candidates who have passed assessment. This would not preclude an agency's personnel process from requiring additional screening(s) and qualifications for their candidates**

### *Recruit Training*

1. **Recruits receive basic training from within the Unified Criminal Justice Academy. Facilities to be upgraded to state-of-the-art.**



2. **Implementation of the plan for the Peace Officer Standards and Training Commission that will arise out of RI H-6139.**
3. **Implementation of the plan for a Unified Criminal Justice Academy that will arise out of RI H-6139.**
4. **Standards for basic core curriculum for all law enforcement officers in this state.**
5. **Minimum standards for basic instruction in the subject of interpersonal skills relating to diverse populations with an emphasis on the awareness of cultural differences.**
6. Pooling of resources in instructor development programs within and outside of the state should be encouraged to maintain effective and current instructors.
7. **Emphasis in basic core curriculum on ethical and professional behavior.**
8. **A philosophy of nondiscrimination in the control of criminal behavior and in the provision of community service should permeate the curriculum.**
9. Partnerships and relationships established with the colleges and universities in the state with criminal justice programming and resources.

### *Inservice Training*

1. **A First Line Supervisory course be offered at the Police Academy to introduce officers moving to Corporal or Sergeant ranks to the concepts of supervising, managing, and mentoring others. Curriculum should include, but not be limited to:**
  - a. **Early Warning Systems**

- b. Evaluating and coaching employees**
  - c. Motivation**
  - d. Intervention with problem officers**
  - e. Ethical behavior and professional conduct**
  - f. Effective cross-cultural communication**
- 2. Rhode Island Police Chiefs consider the mentoring and development of supervisory and management level command staff for their own and other departments as a responsibility. Recommending officers with leadership potential to programs such as Leadership RI, Management Institutes at Bryant College and New England Institute of Law Enforcement, the FBI Academy, etc. will ensure a talented applicant pool for high-level command positions throughout the state.
- 3. **Field Training Officer Certification Course: Curriculum specific to, but not limited to, the mentoring and evaluation of new recruits, socialization into a community service occupation, ethical behavior by police officers.**
- 4. **Mandatory training in tactical communication every three years.**
- 5. **Inservice training in nondiscrimination in the control of criminal behavior and in the provision of community service.**
- 6. **A minimum number of continuing training hours required for recertification every three years. Units of continuing training would include some mandatory ‘core’ elements and some that could be elected and focused on specialized training an officer or department needs.**
- 7. Partnerships with Rhode Island colleges and universities for provision of inservice training needs and the sharing of resources and expertise.

## *SENSITIVITY TRAINING*

1. Training of recruits should include a community service component within communities to be served as an officer. Such internships should be highly interactive with community.
2. **Continuous ongoing training on diversity issues coordinated through RI Criminal Justice Academy and conducted within the community.**
3. Creation of civilian led Division of Training and Education within the RI Criminal Justice Academy charged with balancing out the law enforcement curriculum with training, which provides the police officers with the essential skills needed to relate to the community. All non-police trainers are to be partnered with police officers who will be trained as trainers in these specific areas. Sample issues include but are not limited to:
  - a. racial and cultural diversity
  - b. hate crimes
  - c. anger management
  - d. sexual and gender orientation
  - e. gender
  - f. communication skills
  - g. mediation conflict resolution skill
  - h. language
  - i. family violence
  - j. sexual assault/harassment
  - k. drug abuse
  - l. mental health
  - m. youth development and behavior
  - n. ethics

- o. issues relating to recent immigrant populations (look to “Facing History and Ourselves”, Boston based organization with Federal Contract to train INS officers)
- 4. **Translation services strategy. All Departments must adopt comprehensive policies addressing language and service to the sensory impaired.**
  - a. **These policies must consider current response time and quality of service delivered to these populations.**
  - b. **Incentives should be provided for those who learn new language, sign language etc.**
  - c. **All policies must be translated into languages in use within the community served.**
  - d. **Training must be provided in various languages to various non-English speaking communities.**
  - e. **Recruitment efforts should target these communities isolated by language barriers.**
- 5. **Training of police trainers in Kingian Nonviolence. Training of community leaders and police officers to create *task forces* within individual communities. Through such community partnerships, intervention of community issues may be have a quick and effective response from both community and police.**

### *NEXT STEPS*

- 1. **Oversight of major recommendations through implementation and pilot programs.**
- 2. **Work with the General Assembly on matters requiring legislative action.**

- 3. Review the entire proposal with each Chief of Police in the state and key city and town administrators where applicable.**
- 4. Keep public informed of both progress and negative responses in implementation efforts.**
- 5. Bring together community members with experiences of injustice to express and vent feelings with police representatives trained to listen.**
- 6. Foster opportunities for police and community members to work together on project(s) of community importance which would also have symbolic value.**

## CHAPTER ONE: SHOOTING AND INVESTIGATION

*“For some residents of this racially embattled city, the ...decision to open a preliminary investigation into the police department’s treatment of minorities follows a familiar pattern: a black man is killed, an investigation is conducted, hearings are held, and a report is written and forgotten....And so, it was probably not just the report of a policeman’s gunshot, but also its echo, that incited rioting in Cincinnati last week.”*

*Kevin Sack, The New York Times, April 16, 2001.*

Prior to the shooting of Sgt. Cornel Young, Jr. in January of 2000, the city of Providence and with it the Providence Police Department had been dealing with a number of crises of public confidence. The Providence Police Department had come under fire for scandals involving misplacement of stolen property, misplacement of evidence, and excessive use of force. A minority youth convicted of a homicide charged that alibi evidence was not properly considered as part of his appeal, which fostered widely publicized allegations of racism within the court processes. The Providence City administration was struggling for the second year with an ongoing corruption investigation called Operation Plunder Dome, which included allegations affecting police department hiring, promotion, and towing lists.

Statewide, many police agencies came under scrutiny for failure to comply with Open Records Law requests. After an investigation was made public, police agencies under the direction of the Attorney General clarified policies of response to Open Records requests. Nevertheless, the publicity and commentary surrounding this issue illuminated a degree of divide between the police and the community served. A racially tinged controversial adoption dispute led to a series of heated public hearings about the state’s child welfare processes as well.

Over a lengthy period, minority community members throughout the state had alleged that they were targeted in stops by the police, resulting in a disproportionate number of criminal and traffic charges and searches. Efforts were underway to pass legislation which would eliminate race as the sole reason for a traffic stop and to mandate that police agencies collect data on traffic stops. The national focus on racial profiling resonated with Rhode Islanders of color to a great degree.

These ‘echoes’ of discriminatory treatment were of sufficient decibel to cause the Attorney General, the Rhode Island State Police, the Rhode Island Police Chiefs Association and multiple community leaders to meet over a number of months and iron out model police-community relations policies regarding recruitment, hiring, promotion, internal discipline, diversity and sensitivity training, and community relations. These measures were released on January 27, 2000.

Within twenty-four hours of the release of this response to discriminatory treatment, one of the signatories, Major Cornel Young Sr., the highest ranking minority law enforcement officer in Rhode Island, had lost a son.

## *I. Investigation*

In the early morning hours of the shooting and its immediate aftermath, officers of the Providence Police Department began the initial investigation, interviewing key witnesses and securing the physical evidence and the crime scene. As in the case of all fatal shootings by the police in Rhode Island, the office of the Attorney General conducts an investigation for presentation to the Grand Jury. Pursuant to recent rule changes by the Rhode Island Supreme Court, the Attorney General swore in a multi-agency, multi-ethnic team of grand jury investigators chosen for their integrity, experience and acumen in investigation from across the state and including also Dean Robert V. Ward of Southern New England School of Law. Prosecutors experienced in investigations of police integrity presented the witnesses and evidence before the Providence County Grand Jury. The Grand Jury returned a “no true bill” on April 18, 2000, effectively ruling that no crimes were committed by the police officers on the night of the shooting. Subsequently, the transcript of the Grand Jury proceedings was made public, and Rhode Islanders were able to see for themselves the testimony of fifty witnesses.

Many in the affected community expected the Attorney General to appoint a special prosecutor, which he had the discretion to do under Rhode Island law. The Attorney General’s appointment of Dean Ward as a special consultant, had it been better publicized and understood, might have mitigated some of the outcry and perceptions of insensitivity to the cries from the community for justice. Similarly, the professionalism of the statewide investigators, if emphasized, might have reduced the impressions that solely Providence Police officers investigated this complicated tragedy.

## **RECOMMENDATION**

- 1. While recognizing the discretionary authority of the Attorney General, the Select Commission recommends that in police shooting investigations resulting in a death, an independent Special Assistant Attorney General should be appointed. Such appointment should be widely publicized.**



Beyond the issues of criminal law addressed by the convening of the Grand Jury, the Select Commission has focused much attention on understanding what happened on the night of January 28, 2000 and is committed to putting into place proactive policies and practices which would eliminate the possibility of a similar tragedy happening ever again.

## *II. Off-duty Carry Policy*

The Commission's research into the status of policies regarding off-duty carrying of handguns by police officers determined that policy in this nation can be categorized in one of three ways. Some agencies expressly forbid the carrying of handguns while off-duty. Typically agencies with this type of policy are in small, rural jurisdictions. The second and most common policy allows officers to carry handguns off-duty subject to the officer's discretion with certain express limitations. These limitations are often around issues of alcohol use, requirements that the officer qualify with the weapon and register its identity with the employing police agency, and restriction of the caliber of such a weapon for off-duty purposes. The third policy requires officers to carry handguns off-duty at all times and provides disciplinary sanctions if the off-duty officer is found in violation of the policy.

The vast majority of police agencies surveyed had the discretionary policy described above. Providence Police, at the time of the Sgt. Cornel Young, Jr. shooting, was operating under a mandatory carry policy, which seems to be an anomaly in Rhode Island and throughout the country. The implications of such a policy include the inculcation of a concept of 24-hour availability as a police officer and a heightened state of readiness on the part of the officer.

The policies reviewed in the nation are silent for the most part on the issue of lesser force weapons and the off-duty officer. Therefore, although trained in a use-of-force continuum which encompasses several intermediate weapon possibilities (i.e. chemical spray, 'asp' expanding small baton) when off-duty most are in possession of only the most lethal of a number of options. This may heighten the risk faced by the officer and the citizens he/she may encounter in an off-duty scenario.

With over 2,000 police officers in Rhode Island, it would be impossible for a police officer to immediately recognize any off-duty or undercover officer who might intervene in a given situation. The necessity for Rhode Islanders to have a reasonable degree of confidence that officers are trained for such circumstances from the perspective of an intervening off-duty or plainclothes officer and from the perspective of an on-duty officer who might encounter an off-duty colleague looms large to this Commission.

## **RECOMMENDATION**

- 1. Mandatory carry policy for off duty officers in effect in Providence and Jamestown should be revised to a discretionary policy with restrictions regarding alcohol use, storage, and maintenance of the weapon.**
- 2. All agencies should incorporate policies which include a risk/benefit analysis regarding the carrying and use of off duty weapons.**
- 3. Agency policy should address also the lesser lethality weapons off- duty (handcuffs, restraint devices, chemical spray etc.)**
- 4. When armed and out of uniform, officers should also have in their possession a fluorescent-colored identifying marker which can be worn concealed on a chain underneath clothing, to be displayed before any intervention in an off-duty or out of uniform situation. This should be standard in color, shape and issued to all Rhode Island law enforcement officers.**

### *III. Off duty/undercover intervention Training*

Although linked to the overall recommendations the Commission will be making about training in the use of force, the issues involving intervention in an off-duty or plainclothes situation are particularly part of the tragedy which led to the formation of this Commission. This issue raises serious concerns about appropriateness and level of training in off-duty incidents both at initial and continual in-service training.

Numerous examples of off-duty officers saving lives and property by their intervention in criminal activity speak to the underlying philosophy behind the arming of off-duty officers.<sup>1</sup> It is crucial, however, that training which specifically addresses intervention while in plainclothes, on- or off-duty, be part of the curriculum for recruits and repeatedly part of re-qualification and in-service training.

“Friendly fire” incident data in the United States suggest a higher risk for minority police officers. In fact, in a single year in Washington, DC, two African American off-duty officers were killed by police gunfire and a third pregnant female officer was seriously injured---all while attempting to stop a crime in progress and being mistaken for a suspect. Resultant civil lawsuits in the DC cases resulted in liability costs to the municipality and changes in training. During the work of this Commission, an Oakland, California police officer of color died under similar circumstances to the Young case with inquiry still pending into that case. Twenty-nine officers overall were killed between 1989 and March, 2001 in the United States in friendly fire incidents.

## **RECOMMENDATIONS**

- 1. A ‘universal signal’ taught to officers across the state to identify themselves as police officers when out of uniform and in contact with an on duty officer.**
- 2. Recruits throughout the state, regardless of agency or training academy, receive mandatory specific training regarding intervention while out of uniform, on or off duty. Realistic role-play scenarios need to be part of this training using live actors and paint-ball devices. A caveat here that a**

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<sup>1</sup> Of 30 Police Officer of the Year Awards (Parade Magazine/IACP) from 1996-99, 6 were off duty incidents of heroism, 2 were undercover officers.

**number of training accident deaths and injuries have taken place across the country when “blank” ammunition training devices are used and so this Commission prefers the use of paint-ball, soap ‘simunition,’ or similar devices.**

- 3. Technological simulations which can be manipulated to incorporate a wide range of potential use of force scenarios commercially available include Firearms Training Simulation (FATS) and Range 2000. As the technological simulation materials improve they should be updated and used. The unified training academy needs to have this technology available for both recruits and inservice training needs of the state.**
- 4. Training, both at recruit and inservice levels, should address intervention within the officer’s jurisdiction, outside the officer’s jurisdiction, misdemeanor and felony crimes, and risk/benefit analysis.**
- 5. Continual inservice training in the entire spectrum of use of force needs to take place yearly. This goes beyond the qualification range exercises alone and should also include tactical, experiential components. Officers who do not receive a passing grade in both paper and pencil and simulation exercises need to have remedial training to address the areas of inadequacy and retake until a passing grade is achieved. After two (2) repeats, an officer’s certification can be suspended. (see Chapter 5 for decertification processes.)**

#### ***IV. Officer Shift Assignment***

Rhode Island police agencies, with the exception of the Rhode Island State Police, generally assign patrol officers to shifts under a system of seniority bid prevalent in the various collective bargaining agreements. Although there are many exceptions, senior officers often prefer daytime hour shift assignment. The Commission notes that under these circumstances, the times of the most intense activity often correspond to shifts with concentrations of younger and less experienced officers and supervisors. The nighttime

hours of 6PM to 6AM correspond over time with the highest percentage of police officers killed and injured.<sup>2</sup>

Some departments have attempted to use shift pay differentials to address this issue with limited success. Argument can be made that the linkage between intense activity levels and officers fresh in their careers may be a fortuitous one. Argument can also be made that the perspective of senior officers in patrol and as supervisors is also of great benefit in shifts of high intensity. The Commission notes that in the union environment of policing in Rhode Island, sweeping changes in this aspect of shift assignment are unlikely. Rotating shifts, as attempted by many departments experimentally in the 70's and 80's, have engendered consequences in the health and well being of police officers and perhaps a decline in the quality of service to the community. Research into circadian rhythms and human metabolism have resulted in a few cautions about how rotating shifts should be assigned in ways to minimize increased sick leave, accidents, and early retirement of police officers.

## **RECOMMENDATION**

- 1. Police chiefs and union officials find a way to produce shifts with a blend of experience and perspectives across years of service.**
  - a. Officers working evening and overnight shifts receive extra points on promotional examination**
  - AND**
  - b. Senior officers working evening and overnight shifts receive a meaningful pay differential which is a true incentive.**

### *V. Field Training/Partner Assignment*

The Select Commission recognizes that whatever changes are made in recruit academy training within the state such training is, at best, a foundation for the learning and growth of a recruit once he/she returns to the city or town and begins a police career. The 'on-the-job' component of a rookie officer's experience and the prevailing culture

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<sup>2</sup> Source *Law Officers Killed and Injured Annual Reports, FBI. 1996-1999*

surrounding that experience are compelling influences in shaping the type of officer the rookie will become. Therefore, the continuation of training with appropriate mentor(s) in a systematic program that provides for the oversight, assessment, and evaluation of the recruit is crucial.

The Commission notes that the ‘training officer’ for Officer Solitro the night of January 28, 2001 was Officer Saraivo. Officer Saraivo had been a Providence Police Officer for just over two years and had been involved in a controversial use of deadly force with injury resulting to a citizen several months prior to the Young shooting. That case had been referred by the Attorney General to the Providence Police Chief “for administrative action.” As far as we can determine, no such action, retraining, or discipline took place. Further, ‘training officers’ in Providence were assigned with no evidence of particular selection process or specialized training. This appears to be a problem not limited to Providence.

During a training period in almost any other form of employment, ‘rookies’ are shielded from the most serious of the responsibilities until they are able to perform on their own. In law enforcement, it is conceivable that an officer might be in a life-or-death situation on their first shift.<sup>3</sup> Most essentially for the community, the real test of communication skills and knowledge of a district or beat comes from actually spending time on patrol. An experienced officer, known in the community, can introduce the recruit to the people who live and work in the area. An experienced officer who has superior communication skills and cross-cultural sensitivity and savvy can help a recruit immeasurably at the start of a career of service. Many Rhode Island agencies have, despite limited resources, incorporated meaningful field training programs for their recruit officers, for example the Rhode Island State Police and Warwick Police. Others have left this duty to chance beyond the most cursory of reviews. All agencies could profit from a hard look at the first year of a rookie officer’s career within their respective departments. It is understood, however, that some of the smaller agencies in Rhode Island might wish to use supervisory sergeants to perform field training duties.

The Field Training Program combined with evaluation instruments used by both the Field Training Officer and the supervisory Sergeant can be an aid to the

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<sup>3</sup> In 1994, a RI State Trooper was shot and injured by a motorist. The ensuing chase and gunfight involved a Richmond officer who was in his first day of employment as a police officer, working solo. Officer Solitro in the Young case was in his second week as a Providence police officer.

developmental process of acquiring necessary skills for successful policing in the community. Such data through the probationary period serves multiple purposes in guiding the behavior and shaping the socialization of a recruit. Ultimately, also, the continual evaluation of recruits during a probationary time frame may allow officers unsuited to self-select out of a police career or allow the agency to make a meaningful decision about the recruit's future with the agency prior to the end of the probationary period.

## **RECOMMENDATIONS**

- 1. Agencies without field training programs implement a Field Training component. Smaller agencies might instead wish to add Field Training aspects to the responsibilities of the Sergeant or Officer-in-Charge of the shift to which a probationary patrol officer is assigned.**
- 2. Field Training Officers are selected based on five years of exemplary service, aptitude for teaching other recruits, and a service record free from disciplinary action.**
  - a. FTO service be considered in point systems towards promotion**
  - b. FTO's be identifiable in the community by an additional pin or insignia on their uniform.**
  - c. Municipalities and union leaders should work together to phase in meaningful compensation for FTO's.**
- 3. Field Training Officers become certified as such by attending a FTO academy training program. FTO's would need to successfully complete the FTO Academy (see training recommendations in Chapter 6) to be certified as such by the Police Officers Standards and Training (POST) Commission/Unified Training Academy. Curriculum would include a field component in the more diverse areas of Rhode Island and community service. FTO's would also be evaluated on their performance.**

- 4. Observation and evaluation forms are completed and retained on each recruit by the FTO and the supervisory officer. Recommendations for certification, extension of probation, and termination are made to the Chief of Police based upon this information.**
- 5. The Chief of Police reviews recommendations and determines for each probationary recruit:**
  - a. Successful completion of probationary period referred for initial certification**
  - b. Extension of probation and remediation through training and/or continuing of Field Training Officer supervision**
  - c. Termination**
- 6. The Chief's recommendation regarding successful completion of probationary period is referred to the Certification Committee of the POST/Unified Training Academy along with supporting documentation. (see Chapter Five recommendations regarding Certification)**



## CHAPTER TWO: USE OF FORCE

*“Police officers have one of the hardest jobs there is. A police officer is charged with ensuring public safety, but she or he is also empowered to use force and, if necessary, to take a life to protect others from death or great bodily harm. The police are there to protect us from crime, but they must protect our rights at the same time. And to do their work effectively, the police must have the trust and confidence of the communities they serve. They must develop a partnership and a relationship with the citizens they protect.” Janet Reno, April 15, 1999.*

The use of deadly and non-deadly force by police officers occasions the strongest emotion and farthest reaching consequences for the community. Controversial uses of deadly force in numerous cities have engendered widespread protest in the recent past. Perhaps even more corrosive to police-community relations, over time, is the accumulation of incidents of lesser violence, particularly when such incidents are reported more widely by minority community members. Often, a questionable use of force is compounded with criminal charges made called “cover charges,”<sup>4</sup> which adds a criminal record to the list of woes disproportionately applied to minority youth.

The non-negotiable use of coercive force is granted to law enforcement officers in the performance of their duty. This power absolutely requires a serious degree of responsibility, a review of each case’s circumstances, and a willingness to answer community questions. National data tells us the use of force by the police in any citizen-police encounter is a rare event. Regretfully, it is very difficult to get a handle on data about use of non-deadly force by police officers in Rhode Island in any systematic way under the present system. Pawtucket Police have employed a use of force monitoring system since 1993 which does delineate the race and gender of the suspect upon whom force was applied. This agency stood alone in this respect.

The Metropolitan DC Police, in the aftermath of a Pulitzer Prize winning series in the Washington Post about use of force and several civil suits and off-duty deaths, completely overhauled their policies and their data collection. In like fashion, Los Angeles Sheriffs Department and Police Departments, San Jose, St. Louis, Missouri,

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<sup>4</sup> Paul Chevigny describes such charges as likely to be refusal to move for a police officer, simple assault, obstruction, resisting arrest, and disorderly conduct.

Boston, and numerous other agencies have incorporated collection of data about any use of force and usage of the data to drive discipline, policy, and retraining.

## **RECOMMENDATIONS**

- 1. A Use of Force Incident Report Form shall be completed for each use of deadly force and non-deadly force (with the exception of mere presence, verbal commands, or submissive handcuffing)**
- 2. A Use of Force Incident Report Form shall also be completed any time a firearm is drawn and pointed at, or in the direction of, another person.**
- 3. This data is collected and maintained by each police agency, follows the IACP Use of Force Data Collection Survey Instrument, and is sent to the POST. It should be made available to the public upon request, and available online in agencies with a website.**
- 4. Use of Force Incident Report Forms should be regularly reviewed by supervisory officers within each department. Where discipline is warranted, referral for such should be made in a timely fashion. Short of discipline, there may be the opportunity to mandate remediation and retraining when an officer's use of force seems to be statistically significantly more frequent than officers with similar patrol assignments.**
- 5. A Force Investigation Team reviews each form and investigates each use of deadly force where a shot is fired, whether or not it struck its intended target and any other use of force which resulted in a serious injury to suspect(s.) The focus of the Force Investigation Team is to conduct a criminal and criminal civil rights investigation and gather facts about the use of force. Ultimately, a force review will also include a policy review regarding the departmental policy and whether such policy was violated in the instant case.**

**Policy violations are referred for departmental disciplinary procedures outlined in Chapter Five recommendations.**

**Short of discipline, there may be, with the increased availability of data, the opportunity to mandate remediation and retraining when an officer's use of force seems to be statistically significantly more frequent than officers with similar patrol assignments.**

- 6. The Force Investigation Team will be composed of detectives from across the state, selected from volunteers who show aptitude for investigation and policy review, experience, education, and complete FIT training and certification process. A FIT investigator will never be assigned to respond to an investigation involving his/her home agency. The FIT reports its assessment of each use of force to the Attorney General, the Chief of the agency involved in the incident, and may make recommendations to the POST regarding training implications of what they have found.**
- 7. The Force Investigation Team will also identify training and risk management opportunities. As part of a continuing feedback loop, this information will be shared with the POST Commission on Standards and Training and the Criminal Justice Training Academy.**

## CHAPTER THREE: POLICE-COMMUNITY RELATIONS

*“When the community hurts, the police officer should hurt. When the community celebrates, the officer should celebrate. But when the community is threatened, the police officer must be the one to stand up and be counted. That is what it means to be a thread in the community. That is what it means to practice community policing. If our modern-day police officers can only adopt that attitude...then they cannot possibly stand by and let their communities be torn apart.” Chief Charles H. Ramsey.*

Before there was a modern style law enforcement agency, there were communities where members performed police-like functions and took for granted the responsibility to self-police, look out for ones neighbor, report wrong doing, and socialize youth about acceptable and unacceptable behavior. Sir Robert Peel, often hailed as “the Father of Modern Policing” noted in 1829 that police needed to be a part of, not apart from, the people served and should reflect the community. In our democratic form of government it is occasionally lost that the power and authority of our law enforcement agencies comes from, and with the consent of, the people served. Throughout our recent history in the United States, we find that losing sight of those principles results in a loss for the community and a loss for the police.

Numerous philosophies and approaches to community policing abound. The Rhode Island Select Commission notes with approval a number of efforts in Rhode Island to embrace the concepts of community policing and to introduce and support creative programming throughout the state. In April of 2001, nearly all law enforcement agencies in Rhode Island came together for a conference on improving race relations and community policing. During regional group exchange, it became clear that numerous interesting and creative programs for youth, seniors, and many community constituents existed in all corners of the state. The difficulty may lie in publicizing and increasing utilization of these programs, coordinating efforts where resources are scarce, securing grants for continued funding, and responding to new community concerns.

We will recommend no one ‘brand’ or type of community policing effort. However, we believe explicitly that community policing needs to be holistic and constantly evolving. It is inadequate, even counterproductive, for “community policing” to be considered the concern of a handful of specially designated officers and no one else. Problem-solving, initiative, and outreach are equally the responsibility of the police and the community. Indeed, research shows us that with any groups who are skeptical or

hostile towards one another, working together side-by-side on mutually identified problems results in the most changed attitudes. This Commission, in many ways, exemplifies how groups suspicious of one another can work together on problem solving for the community.

It is important that each department and community clearly defines and embraces its own vision of community policing. Community policing as a concept has become so broad in its perceived meaning that the same behaviors we are attempting to prevent within the communities may be reinforced if community policing is not clearly defined and taught throughout the rank and file of police departments. Community policing by its very nature must be proactive in building preventative partnerships. Community policing cannot be perceived by the police and the community as being driven primarily by enforcement measures. The departments of Rhode Island must look to places like New Haven, Connecticut. New Haven has embraced a holistic approach toward community policing with a three-prong strategy focused on *prevention, intervention* and *collaboration*.

Once each department has established a clear vision of community policing the leadership must reinforce this vision and meet with community leaders to develop a strategic plan for their community. After this is achieved the success of community policing depends upon the **police** and the **community**. The mission statement of the department relates directly to the objectives, goals and duties of the inner workings of a police department. A vision statement written departmentally for community policing endorses and outlines the particular philosophy by which the mission statement will be carried out within and with the cooperation of the community.

Police substations have been become a by-product of community policing. The success of the establishment of community police substations has been varied across the state. While there are several that have developed successful partnerships within the community, this is not always the case. Throughout the state we have heard a number of complaints regarding the community policing substations. Many residents complained that substations were 9-5pm operations and that police officers weren't in the community on the nights and weekends when they were most needed.<sup>5</sup> Residents also complained that a number of substations were often dormant, and citizens had no means of contacting the community police officer. The function of the substations is not always made clear to

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<sup>5</sup> Community Policing substations across Rhode Island see appendix 3

residents. There is not always sufficient manpower from the police department to staff substations 24 hours a day, and the actual space of the substation does little more than provide office space for several individuals. In many Rhode Island communities the concept of community policing substations needs to be enhanced. For those police departments without the means to utilize the existing substations, creative means must be found to open these substations to the public and to let the community play a role in their maintenance.

If substations are available, but not staffed, if community police divisions are contacted, but no one answers, if officers are perceived as rude and uncivil in routine interactions with the community, the lost opportunities mount and the problems become intergenerational.

## **RECOMMENDATIONS**

- 1. All police departments in Rhode Island must create a community policing policy that is crafted with community members and key stakeholders. Such policies should include a vision statement and mission for the agency which goes beyond lip service and is jointly owned.**
- 2. Community Management Teams should be established. The Teams should be comprised of key stakeholders based upon district; religious leaders, residents representative of district demographic, school officials, business owners, local officials etc. These teams will meet on a regular basis with police supervisors and officers assigned to the district. The primary function of the community management team is the coordination of resources toward community partnerships born of common goals for community development.**
  - a. Regular community and police meetings reporting on department activities and data collection should take place. As needs or problems arise, these mechanisms can provide a useful source of community education and input.**
  - b. Website should be expanded as a tool for linkage and community police partnerships and as a source for soliciting community feedback.**

3. **Police agencies should consider both business cards identifying the officer and contact information and trading cards with photos (community activity emphasized) and information for use with youth and in positive interactions with the community. Corporate/community resources could be a source of sponsorship for the printing costs.**
4. Where they exist, community substations must be better staffed and housed in buildings used by the community.
5. Citizen's Police Academies should be expanded. Smaller agencies could consider joint regional co-sponsorship.
  - a. A Youth Police Academy model which includes education for youth about their rights and conflict mediation and community issues.
6. Flyers about new and existing community programs of the police department should be readily available to the public at multiple sites. Communities should consider the possibility of using this type of public relations opportunity in the form of a newsletter, bringing both the positive and negatives of policing within the community to the public's attention.
7. Publications dealing with community and police issues should be translated into multiple languages and available at community centers, police departments, religious centers, and agencies which interact with immigrant populations.
8. **Build upon existing after-school programming for youth to include education about legal issues and youth. Increased use of high school, college, and university student interns by both police agencies and community programs is encouraged.**

## *I. YOUTH*

The young people of Rhode Island reported many negative encounters between police and their community which seemed to spring from a mutual lack of respect. It became sadly apparent at a number of hearings that some youth are taught that the police are not to be trusted and thus not to be respected as authority figures. These impressions, compounded with personal experiences recounted by young people and their friends, widen the rift between the police and their most frequently encountered constituency.

The youth of Rhode Island need more positive interaction with the police. During the hearings it was expressed that the youth considered the police as ‘just another gang’. Most frightening was the vast number of youth who were not aware of their rights as citizens and the role and authority of the police. This marks the promise of a long-term breakdown of communication between the police and community. That our children are unaware of their rights and the role of the police is a tremendous disservice to our youth. All of Rhode Island is responsible for the remedy here. It is not a wonder that there has been trouble recruiting for a more diverse force when the role of police as understood by the youth lies within a myth of “terrorist”. The curriculum in our schools (Rhode Island Statutes Section 16-22-22) requires:

**Genocide and human rights education.** - *The department of elementary and secondary education shall, pursuant to rules promulgated by the commissioner of elementary and secondary education, develop curricular material on genocide and human rights issues and guidelines for the teaching of that material. The material and guidelines shall include but not be limited to: the period of the transatlantic slave trades and the middle passage; the great hunger period in Ireland; the Armenian genocide; the Holocaust; and the Mussolini fascist regime and other recognized human right violations. In formulating this program the department shall consult with practicing teachers, principals, superintendents and experts knowledgeable in Genocide and human rights issues. Local school committees may incorporate the material into their elementary and secondary school curriculum.*

If the state can recommend that our children learn of the genocide and human rights violations of this nation’s history and others we must also look to preventative measures for the present and future condition of human rights within our state. Rhode Island is the second most urban state in the United States. One in four African American men are within the realm of the criminal justice system. Our nation walks the tight rope



with its human rights record regarding the criminal justice system. We cannot depend upon workshops and pamphlets to teach our children their rights. This must be fundamental to the curriculum.

Of further concern to the Commission are the high rates of truancy that have been recorded within the state, particularly within the Providence area. If truancy rates continue to rise at rates reported between 20-70% in the state's most urban and diverse communities, the target pools of applicants to diversify our police departments are threatened and a vital human resource wasted.

## **RECOMMENDATIONS**

1. Youth versions of Citizen Police Academies are suggested, graduates receive patches/junior badges from the department
2. **Suggest to the Rhode Island Department of Education that a mandatory unit for all Rhode Island children in middle school on the topic of Law and Society. Content required including a discussion of youth rights.**
3. **Parental notification of truancy should be done systematically by schools throughout RI should a student miss a day without an excuse.**
4. Creation of charter and/or magnet schools through federal funding. The emphasis for these schools would be for youth interested in law enforcement careers.
5. **Encourage the implementation and expansion of School Resource Officer programs with careful assignment of personnel, where the community management teams believe it to be appropriate.**
6. **Expansion of police-youth athletic contacts. Competitive sporting events in different sports (i.e. soccer, football, basketball, baseball) that culminate in the Police Peace Games tournaments which would bring 'matched cities' vying for a prestigious title.**

7. **Urge the Family Court to consider a youth court where juveniles are judged and sentenced by their peers for minor offenses.**
8. Police agencies consider summer camp/adventure/Outward Bound experiences for juvenile offenders, at-risk youth, and juvenile/community police officers, perhaps regional or county-wide with sharing of resources.

## CHAPTER FOUR: RACISM

*We are tied together in the single garment of destiny, caught in an inescapable network of mutuality. And whatever affects one directly affects all indirectly. For some strange reason I can never be what I ought to be until you are what you ought to be. And you can never be what you ought to be until what I ought to be. This is the way God's universe is made; this is the way it is structured.*

*Martin Luther King, Jr.*<sup>6</sup>

The Commission seeks to facilitate reconciliation among and between stakeholders in the problem of police misuse of force. The stakeholders in any given episode of police violence represent many diverse communities of interest. Stakeholders include the individual civilian and officer participants in the encounter and their friends and families; representatives of groups who particularly distrust or trust the police; the community at large; police managers and their legal, strategic, and tactical advisors; rank-and-file officers and their bargaining agents and lawyers; civil liberties groups; crime victims' advocates; elected and appointed officials; the news media; and others. The Commission acknowledges that there are legitimate concerns on the part of every one of these interest groups.

The findings and recommendations of this Commission represent neither partisan attacks on, nor defenses of, the police. Rather, the aim of the Commission has been toward problem solving—seeking to clarify what is known and what still needs to be learned in order to better understand, prevent, and remediate police abuse of force in Rhode Island. We have not looked for villains but for solutions. Our approach has been holistic. Consequently, this Commission has not adopted a tone that is particularly critical of police or their critics. We just do not believe that assessing blame is conducive to enlisting support of the key interest groups with the capacity to ameliorate police abuse of force. As long as interested persons in this debate view problems and potential solutions as a zero-sum game—in which somebody, either the police or the complainant, must lose in order for the other to win—reconciliation will remain unachievable. While skeptics and cynics may see the possibility of a win-win scenario—in which the legitimate concerns of all interested persons are acknowledged and dealt with justly—as fanciful, this Commission has confidence in the ability of Rhode Island citizens to rise

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<sup>6</sup> “Remaining Awake Through a Great Revolution,” in James M. Washington, ed., *A Testament of Hope: The Essential Writings and Speeches of Martin Luther King, Jr.* (San Francisco: HarperCollins, 1986), 269.

above narrow self-interests. The Commission chooses hope over cynicism. We believe that in spite of the difficulties, solutions to the problems of race in police-community relations in Rhode Island can be found.

The problems of race in America however, are longstanding, exceedingly complex, and deeply ingrained in our culture. They are, in part, one of the legacies of the American experience—an experience that has included, among other things, slavery, segregation, and other patterns and practices institutionalizing bias through forms of discrimination. Nowhere are the problems of race more evident, or more deeply and firmly entrenched, than in the context of American policing and community relations. “Race continues to play a central role in police brutality in the United States,” a recent report from Human Rights Watch concluded.<sup>7</sup> “The problem of police abuse is primarily a problem in race relations and is one of the most volatile aspects of the national race crisis,” writes Professor Samuel Walker, one of the leading experts in police practices and accountability. “Poor people of color bear the brunt of police abuse” Walker argues, and thus they have a large stake in ending police misconduct.<sup>8</sup> But the impoverished, regardless of skin color, face many barriers in effectively voicing concerns in our political, civil, and criminal justice systems.

For nearly half a century, racial minorities and social agencies struggled to bring an end to discriminatory treatment and to improve accountability in the administration of criminal justice. In the 1960s the issues surrounding race and police violence erupted into national prominence as a result of a series of riots that exploded in many cities between 1964 and 1968. From the Atlantic seaboard to the Pacific coast, from New York City to Los Angeles, and in almost all major cities in-between, so-called “race riots” flared. The National Advisory Commission on Civil Disorders [Kerner Commission] documented hundreds of major civil disturbances in cities all across America during the period. “Nearly all of these riots were sparked,” Walker shrewdly observes, “by an incident involving a white police officer.” Police brutality had not actually increased in those years, Walker argues. Violence generally has had a long and lamentable history in America, and police violence in particular has played an equally regrettable role as an

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<sup>7</sup> Human Rights Watch, *Shielded from Justice: Police Brutality and Accountability in the United States* (New York: Human Rights Watch, 1998), 1.

<sup>8</sup> Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (Belmont, CA: Wadsworth, 2001), 4. For a more detailed discussion of this issue see Samuel Walker, *Police Interactions with Racial and Ethnic Minorities: Assessing the Evidence and Allegations* (Washington, DC: Police Executive Research Forum, 2000).

instrument of social control. What changed was that “the civil rights movement steadily raised expectations about the quality of police behavior.” Incidents that had once passed without protest now became the source of angry confrontation. Unfortunately, because of the high visibility of the uniformed police officer, “the white cop became the symbol of racial oppression.”<sup>9</sup>

On the other hand, the police were entangled in a socio-political power structure that had earlier (tacitly if not expressly) encouraged them to employ violence as an instrument of social control; and the communities of citizens of color against whom that violence had been sanctioned on the other. Many who were part of that socio-political power structure viewed ordinary policing as a “tainted occupation” as Paul Chevigny points out “because it is connected to violence and crime, and because it is almost exclusively work with the poor.” At the same time, some of the more radical detractors of the police had begun to refer to them as “pigs” and to caricature them as uneducated, reactionary bigots. Many urban police officers were, in fact, found by the President’s Crime Commission in 1967 to be poorly educated, inadequately trained, and scarcely supervised.<sup>10</sup> But what most of those who regarded policing as a “tainted occupation,” many of the police officers, and the radical critics who defamed them missed was how entangled they all were in an inescapable web of mutuality.

In an effort to curtail police violence, civil rights groups demanded that police departments hire more African American officers and create civilian review boards to resolve complaints of abuse. The Kerner Commission on Civil Disorders found that there was “an almost total lack of effective channels for redress of complaints against police conduct.” In fact, that Commission found the lack of such channels to be one of the three major causes for African American mistrust of and hostility toward the police.<sup>11</sup>

The unresolved issues of the police-community relations crises that first emerged in the 1960s have now become recurring (if not continuous) problems in many of America’s cities. The issues first garnered widespread attention in Rhode Island during the civil disturbances of the late sixties. In the early 1970s, a group of African

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<sup>9</sup> Walker, *Police Accountability*, 25. For a list of cities experiencing civil disturbances during the period, including Providence, see National Advisory Commission on Civil Disorders [Kerner Commission], *Report* (New York: Bantam Books, 1968), 112-13.

<sup>10</sup> Paul Chevigny, *Edge of the Knife: Police Violence in the Americas* (New York: The New Press, 1995), 5. Walker, *Police Accountability*, 25. President’s Commission on Law Enforcement and the Administration of Justice, *Task Force Report: The Police* (Washington, DC: Government Printing Office, 1967).

<sup>11</sup> National Advisory Commission on Civil Disorders [Kerner Commission], *Report* (New York: Bantam Books, 1968), 310.

Americans self-described as the Coalition for Black Leadership initiated a federal class-action civil rights lawsuit against the City of Providence and the Providence Police Department alleging a pattern and practice of widespread and unconstitutional police brutality. That lawsuit was eventually settled with a consent decree entered in the U.S. District Court for the District of Rhode Island. The consent decree required the City of Providence and the Providence Police Department to institute (for the first time) a formal process for receiving and handling citizen complaints. The nationwide clamor for a change in police hiring practices and demands for external citizen oversight may well have had unintended consequences, however. Among other things, the race and police-community crisis of the 1960s further stimulated a burgeoning police union movement.

Rank-and-file police officers already had ample reasons for dissatisfaction with municipal and departmental management. If low wages and the lack of benefits were not enough, the “due process” revolution ushered in by the sweeping decisions of the U.S. Supreme Court in cases such as *Mapp* and *Miranda* began to challenge notions of “curbstone” justice to which they had become accustomed. Not only were people in the streets beginning to question their authority in ways in which they had never before, but to make matters worse, police were now the subjects of popular derision and bore the offensive moniker of “pig,” a term that insidiously reinforced insecurities of a “tainted occupation.” Police managers, many of whom were ill-trained, found themselves caught in the verbal cross fires among and between responsible and irresponsible politicians, community leaders, union officials, radical activists, and a bewildered and often frightened public. In the summer of 1967, and again in the spring of 1968, widespread riots in American cities revealed to the world that the system of American policing had utterly failed (at least temporarily) at social control. Police management found itself increasingly in conflict with the police unions, and both were increasingly cut off and isolated from the larger community. One result of this tragedy was that police departments and individual officers (not unlike some of their critics) began to develop an “us versus them” and “bunker mentality.”

Many larger police departments had already, more or less, developed tendencies toward becoming closed self-protective bureaucracies. In many cities, police corruption fostered by graft and patronage in municipal politics, the prevalence of vice (alcohol, drugs, sex, and gambling), low pay, inadequate training, punitive management practices, poor supervision, and the lack of effective oversight had already given rise to seemingly

recurrent scandals. One of the earliest investigations of police brutality and corruption, the Lexow Commission in New York, as early as 1895, exposed connections between police misconduct and the local political organization Tammany Hall that had used the machinery of municipal government (including the police department) for graft and patronage. Among other things the Lexow Commission found that “almost every conceivable crime against the elective franchise was either committed or permitted by the police, invariably in the interest of the dominant” political organization. Since the Lexow Commission, the City of New York has endured major police misconduct scandals about every twenty years. Similar patterns have been documented in Chicago and other cities.

From the 1920s through the 1950s—with one major exception—few mainstream politicians expressed much interest in issues arising from police brutality. In 1931, the Wickersham Commission, a national commission created by President Herbert Hoover to make a comprehensive study of the criminal justice system, reported among other things that an abusive police practice euphemistically known as “the third degree” (the infliction of mental and physical pain to extract confessions) was widespread. The Wickersham Commission made numerous recommendations for reforms, one of which included the creation of “some disinterested agency” in each city to assist people with their complaints against police. One author of the Wickersham Report, the eminent law professor and civil libertarian Zechariah Chafee, Jr., wrote elsewhere that: “There should be in each community an untrammelled body . . . to which complaints of brutality and other official lawlessness can be brought, and by which such complaints will be energetically and fearlessly investigated.”

Efforts to curb abusive police practices, like many of the reforms urged by the Wickersham Commission were delayed and disrupted by resistance from politicians, the Great Depression, and the world war that followed. For most of the period, police reform efforts were aimed mainly at corruption for profit, and especially at non-enforcement of laws prohibiting gaming and drinking. Because corruption scandals usually implicated management’s involvement or incompetence, many state and local elected officials as well as police managers resisted external investigations. Although various reforms have been implemented in the wake of scandals usually, as the result and findings of temporary commissions acting as oversight bodies, the pattern seems to have continued. One of the most important developments of the period from the 1920s to the 1950s was

the awakening of a need for active citizen participation as an element in efforts at police accountability and reform.

During the same period, a professional police administration movement began. This movement was started by the now legendary August Vollmer, who was the chief of police in Berkeley, California. Vollmer empowered his officers *by encouraging them to participate in constantly assessing and revising their work methods*. His model of professional policing included “higher education, collegial control, a generalist police practitioner, specialties at the service of generalists, devolution of authority to practitioners, and collaboration with other professions.” Unfortunately, a model influenced by the management theories of Frederick Taylor displaced Vollmer’s model. Under the Taylor influenced model of professional policing the ordinary police officer was, according to George Kelling, viewed “as a tightly controlled and inherently limited functionary whose primary, if not sole, role was non-discretionary law enforcement.” As we learned from Kelling, the Taylor influenced model of police reform not only reflected *contempt* for ordinary officers, but also had much to do with the reformers’ strategies for weakening or eliminating political influences. To some extent this model succeeded in eliminating some corrupting political influences that had plagued police departments; however, others quickly rose to take their place. Leaving rank-and-file police officers out of the model of reform further invigorated the police union movement.<sup>12</sup> Since the model rested on the wholly fallacious premise that ordinary policing is “non-discretionary law enforcement,” it reflected the same contempt for the communities served by police departments as well.

The web became further entangled during the 1950s and 1960s. Television served as a medium through which Americans of all races witnessed the historic role police departments (and individual officers in many departments) played in enforcing de jure and de facto racism. Civil rights groups and affiliated social reform movements used tactics of civil disobedience. The police response, typically driven by the conflicting demands of politicians, was often excessive, unmeasured and undisciplined. Police union leaders in many cities whipped rank-and-file officers into frenzy by appealing to racial and ethnic fear. During the 1970s and 1980s concerns about police use of force and

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<sup>12</sup> See George L. Kelling and Robert B. Kriesmet, “Police Unions, Police Culture, and Police Abuse of Force,” and William A. Geller and Hans Toch, “Understanding and Controlling Police Abuse of Force,” in Geller and Toch, eds., *Police Violence: Understanding and Controlling Police Abuse of Force* (New Haven: Yale University Press, 1995), 204-205, 316-317.



racially motivated conduct expressed themselves in other ways. Civil rights organizations, of course, continued to press for control of police misconduct. In the 1970s the movement that began with the Wickersham Commission (and Zechariah Chafee, Jr.) was successfully revived and began to take real form as citizens increasingly clamored for meaningful oversight and more citizen participation and review of accountability mechanisms for police departments.

Near the end of the seventies the Vollmer model of police professionalism was revived in the police accreditation movement. A celluloid policeman known as “Dirty Harry” became a sub-cultural hero. Military metaphors became popular with politicians and demagogues who declared “war on drugs,” and “war on crime,” and spoke of “thin blue lines,” “getting tough.”<sup>13</sup> The Watergate scandal and subsequent revelations of misconduct by federal agencies heightened national consciousness of the need for greater accountability from government in all its forms. By the end of the 1970s a movement to assist accountability through inspector generals emerged.

Over the last twenty years the struggle to achieve accountability in government in general, and in our nation’s police departments in particular, have produced a host of internal and external measures that are employed to bolster the credibility, legitimacy, and independence of accountability mechanisms. There is almost universal agreement among those who have studied the problems of police abuse and violence that if the barriers to accountability were removed, the number and severity of abuses that officers commit would no doubt be greatly reduced. The barriers to accountability arise in connection with the investigation, redress, and where necessary—prosecution of misconduct. The experience developed over the past forty years establishes that existing administrative and legal procedures that should guarantee accountability are deeply flawed. The traditional principal systems for achieving police accountability: the political process, the courts, and professional police administration—have not been as effective in curbing police abuse as they have needed to be. The failures of these systems fall into three basic categories: lack of effective public accountability and transparency, persistent failure to investigate and punish officers who violate civil and human rights, and obstacles to fairness and impartiality in the administration of justice.

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<sup>13</sup> We agree with Walker that the “civilian/military dichotomy” so often used metaphorically by politicians is wholly “inappropriate for domestic policing.” *Police Accountability*, 5-9.

The political process, the primary mechanism for holding the police accountable through appointment of the police chief and control of the police department budget, has a long and sad history of failure. “Mayors and city council members have displayed either staggering indifference to police problems,” Samuel Walker writes, “or have themselves been the ultimate source of police problems.” Many elected officials have been unconcerned about police misconduct. And few among those who are well intentioned possess either knowledge or understanding of the very complex aspects of policing and police administration. Partisan political influence in the administration of police departments has stymied efforts at professional police administration and undermined the administration of criminal justice. Political forces outside of the police have used influence to protect favored suspects from prosecution, or worse, to see that some innocent party is prosecuted. What is more, for much of the twentieth century elected officials in many U.S. cities have regarded the police and other public safety functions primarily in terms of the potential opportunities for graft and patronage. While this form of corruption typically affects hiring and promotions it may ensnare those who provide goods and services to the police departments as well. Walker argues that insofar “as elected officials have taken an active interest in law enforcement policies, it has been either to corrupt it or to dictate policies that have undesirable consequences.”<sup>14</sup> The net effect of the pervasive failure of the political process to pursue or to achieve police accountability has been to fuel cynicism and mistrust both within and outside of police departments and to undermine public confidence in the political system as a whole.

The inadequacies of the political system in achieving police accountability led many civil rights reformers and civil libertarians to turn to the courts for remedies for police abuse. Civil and criminal justice remedies have also largely failed to achieve police accountability. Offending officers so not seem to be deterred, and police departments and municipalities do not seem to learn valuable lessons from civil judgments (or settlements) awarding damages to aggrieved persons. Prosecutions of police officers for violation of civil and human rights are very rare, and conviction and punishment of officers for such offenses are rarer still. Even where the exceptional civil judgment or successful criminal prosecution occurs, the action is at best remedial rather than preventative. State courts, perhaps because they are so close to the electoral political process, have played little role in achieving police accountability. Although the U.S.

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<sup>14</sup> Walker, *Police Accountability*, 9.

Supreme Court, by creating basic rules on searches and seizures, interrogations, and the use of deadly force has been successful in defining general principles of accountability—it has never addressed many critical areas of policing. Many routine abuses of authority—such as the use of racial epithets—simply fall below the threshold of constitutional scrutiny. Courts have become increasingly reluctant to further enlarge individual liberties lest they be accused of “legislating” from the bench. Then too, compliance with court decisions by police officers on the street is often problematic at best. It is a sad commentary on the quality of policing when officers react impulsively in a citizen encounter and then resort to what is known within the occupation as “testa-lying” in order to explain and justify their actions. Too often this type of prevarication—which strikes at the heart of justice—goes undetected and unpunished by prosecutors and judges. But perhaps the greatest impediment to achieving police accountability in the courts is the problem of unequal access to justice. The simple truth is that those who are most likely to be the victims of police abuse of authority are the least likely to have the means to have their causes addressed in the courts.

The third traditional strategy for achieving police accountability has relied principally upon the burgeoning movement for professional police administration. This movement has been led by several generations of reform-minded police executives who have attempted to control police officer behavior and to establish standards of professionalism. In many ways, efforts to improve the standards of policing under the principle of professionalism by raising recruitment standards, improving training and instituting reasonable management practices have offered the greatest possibilities for success in achieving accountability. Unlike the political process and the courts, professional police administration ultimately aims to create accountability within the police culture itself. Professional police administration, standing alone, has thus far failed to provide a satisfactory resolution to the problems of race and accountability in our society. We emphasize that *not all of the problems of accountability are due to differences in race or ethnicity, or even to differences in socioeconomic status*. Some of the problems arise from misunderstandings between police managers, police unions, and the community (including racial and ethnic minorities) they are to serve. All three groups, in various ways, have contributed to the problems that exist, and all three must work together if the problems of accountability are to be solved.

*Dragnets are crude devices; they entangle porpoises even as they troll for tuna. The farther one moves toward generalities—let's pick up anything that swims in the hopes of catching tuna—the greater the chances that the net will ensnare many other species of fish and marine life. Whereas any police decision to detain an individual who is not visibly engaged in a crime may stir feelings of indignity and resentment, it is even more corrosive (and potentially explosive) when by virtue of wide sweeps the persons ethnicity is too closely intertwined with an over-broad, over-generalized search: hence the term "driving while black or brown."*

Merrick Bobb<sup>15</sup>

## *I. Racial Profiling*

Among other things the Select Commission has been charged with reviewing and recommending changes that significantly improve current police policies, procedures and practices related to the use of "racial profiling." A Gallup Poll released in December 1999 found that more than four out of ten black Americans, including nearly three-quarters of young black men, had been the victims of racial profiling. Seventy-seven percent (77%) of blacks said that racial profiling was widespread compared to fifty-six (56%) of whites. Eighty percent (81%) of all Americans (white as well as black) disapproved of the practice.<sup>16</sup>

Many Rhode Island law enforcement officers and community members have identified "routine" police-citizen" encounters (traffic stops and stops of pedestrians for questioning) as a source of potential conflict and tension. This is especially true where residents in the community believe that the law enforcement activity in question is being taken based, in part, on racial stereotypes or bias. Traffic stops and pedestrian contacts are routinely performed by police officers, but for the motorist or pedestrian stopped, it is frequently an emotionally upsetting experience. Officers should be aware of these conditions and should strive to make each contact educational. Officers should leave each motorist or pedestrian who has been stopped with an understanding that the officer has performed a necessary task in a fair, professional and courteous manner.

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<sup>15</sup> The Los Angeles County Sheriff's Department, *13<sup>th</sup> Semiannual Report by Special Counsel Merrick J. Bobb & Staff* (December 2000), 76.

<sup>16</sup> Gallup News Service, *Racial Profiling is Seen as Widespread, Particularly Among Young Black Men* (Princeton, NJ: Poll Release December 9, 1999), 1.

The guarantee of equal protection under the law is one of the most fundamental principles under the laws of the United States and the State of Rhode Island. In order to protect this essential right, all Rhode Island law enforcement agencies should adopt policies to ensure that officers perform their duties in a non-discriminatory manner. As a matter of general policy the U.S. Department of Justice observes:

Criminal activity transcends race or ethnicity. Law enforcement officers should not rely on generalized stereotypes, attitudes or beliefs about the propensity of any racial, ethnic, or national origin group to engage in unlawful activity. There is no trade-off between effective law enforcement and the protection of civil rights of all Americans; we can and must have both.

As a “best practice” regarding non-discriminatory policing the Department of Justice has recommended that:

Agencies should have a clear and widely disseminated policy prohibiting law enforcement officers from discriminating on the basis of race, ethnicity, national origin, religion, gender, disability, or sexual orientation in performing their law enforcement duties.<sup>17</sup>

The policy of non-discrimination should be widely disseminated both within and outside the agency. Wide dissemination of the policy expresses internal commitment and reassures the public that the agency is acting responsibly. However, “acting responsibly” means more than just publicizing the commitment to an ideal. Trust is earned as much as by what we do as well as by what we say. Thus the Justice Department has also recommended that:

Agencies should mandate that law enforcement personnel receive clear and thorough education and training *initially and periodically thereafter* to explain their nondiscrimination, use of force, search and seizure, and other citizen interaction policies. (Emphasis added)<sup>18</sup>

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<sup>17</sup> U.S. Department of Justice, *Principles for Promoting Police Integrity, Examples of Promising Police Practices and Policies* (Washington, DC: January 2001), 15.

<sup>18</sup> U.S. Department of Justice, *Principles for Promoting Police Integrity*, 15.

The issue of bias based profiling is a subject of growing concern to the public-at-large and to local, state and federal legislative as well as judicial bodies. The issue has prompted a number of actions over the past year. In the year 2000, measures involving the issue of racial profiling were introduced in over twenty-five states. Eighteen states took significant action. Eight states, including California, Kansas, Massachusetts, Missouri, Oklahoma, Rhode Island, Tennessee, and Washington actually passed legislation that involved the issue of racial profiling.

Rhode Island demonstrated its capacity for national leadership by becoming the first state to enact law requiring all law enforcement officers to record information for all traffic stops. Missouri joined Rhode Island in requiring all of its law enforcement officers to record information from all traffic stops. A bill similar to the laws in Missouri and Rhode Island passed the Illinois House of Representatives during the last week of March 2001. Massachusetts's law enforcement officers are now required to record information on all people who are issued a citation as a result of traffic stops. In Kansas and Tennessee study groups were created to look at the problem. Washington State "encourages" but does not require its law enforcement officers to collect data on traffic stops. California law barred police from making racially motivated stops and requires all officers to get more training. Oklahoma made it a misdemeanor for any law enforcement officer to detain or arrest a person based on race. Oklahoma law also authorizes those who believe they were arrested or detained merely because of color or ethnic background to file a complaint with the state Human Rights Commission or with a local district attorney. In Florida, law enforcement officials agreed to participate voluntarily in traffic stops statistic studies.

After a bill requiring collection of traffic stop statistics was defeated in the General Assembly of Kentucky, that state's Governor issued an executive order requiring all state law enforcement agencies to collect the statistics. The Governor of Colorado also issued an executive order prohibiting the use of racial profiling by any state agency. After receiving a Task Force Report on Racial Profiling the Governor of Wisconsin issued an executive order prohibiting state and local law enforcement officers from engaging in its practice. The Attorney General of Arizona issued a clear and unequivocal statement banning the practice of racial profiling and convened representatives from Arizona law enforcement agencies to study the problem and implement strategies to ensure its elimination.

In the courts there have also been significant developments. A coalition of civil rights groups sued the City of Cincinnati, Ohio in federal court alleging a thirty-year pattern of racial profiling by police. Among other things the suit alleges that African American citizens in Cincinnati were routinely singled out for minor traffic citations, jaywalking tickets and other offenses. The suit also alleges that Cincinnati police tend to use excessive and deadly force against African American citizens far more readily than against whites, and that widespread abuse of minority citizens by the police continues in Cincinnati despite several government reports over the past thirty years. Cincinnati was recently the scene of four days of rioting in the aftermath of a police shooting of an unarmed black teenager.

In Mt. Prospect, Illinois the municipal government agreed to settle a class action lawsuit brought on behalf of thousands of Hispanic drivers who were stopped on the basis of their ethnic background. The settlement followed a federal jury award of \$1.2 million dollars in the case of a former Mt. Prospect police officer, Javier Martinez, who said his supervisors discriminated against him and encouraged officers to target Hispanic drivers. An African American judge has sued the City of Los Angeles alleging that its police officers forced her to lie in hot asphalt during a thirty-minute traffic stop last summer. In March 2001 a Florida surgeon and medical school professor filed a similar claim against the Los Angeles police. According to the surgeon, a 37 year old Haitian immigrant in Los Angeles to give a talk at UCLA Medical Center, he was stopped by the police, forced to lie on pavement, detained for four hours, and handcuffed so tightly that he suffered nerve damage in his wrists.

A “pattern and practice” lawsuit brought by the Justice Department against the City of Los Angeles and the Los Angeles Police Department (LAPD) in which among other things the police were accused of illegally targeting members of minority groups for vehicular stops was settled in December 2000. The settlement requires LAPD officers to collect detailed information (including race and ethnicity) for all traffic and pedestrian stops. The federal court decree in pertinent part says:

LAPD officers may not use race, color, ethnicity, or national origin (to any extent or degree) in conducting stops or detentions, or activities following stops or detentions, except when engaging in appropriate suspect-specific activity to identify a particular person or group. When

LAPD officers are seeking one or more specific persons who have been identified or described in part by their race, color, ethnicity, or national origin, they may rely in part on race, color, ethnicity, or national origin only in combination with other appropriate identifying factors and may not give race, color, ethnicity or national origin undue weight.<sup>19</sup>

In order to ensure that provisions of the Consent Decree are fully implemented the City of Los Angeles and the U.S. Department has agreed to the appointment of an Independent Monitor who—at a cost of ten million dollars—shall oversee compliance with the agreement for the next five years.

A four year long probe of police and “pattern and practice” court action in Montgomery County, Maryland by the Civil Rights Division of the Justice Department came to a settlement in January 2001. Law enforcement officers in Montgomery County are now required to record the age, gender, and race of all drivers they stop for any reason and, they are also required to undergo further training. In the nearby City of Washington, District of Columbia, Charles H. Ramsey, Chief of Police, abruptly reversed his longstanding opposition to collecting data for racial profiling studies. Ramsey, who happens to be an African American, had opposed such data collection on the grounds that since the population of Washington is majority-black, it would make sense that the majority of drivers who are stopped by the police would be black. However, a recent audit of email transmissions through the police department’s Mobile Digital Computers disclosed an alarmingly high percentage of offensive and racist remarks made by officers of his Metropolitan Police Department (MPD). Ramsey reversed his position on data collection in light of the problems exposed by the email transmissions. Of his department’s 3,614 officers, 2,404, or sixty-six and one-half percent (66.5%) are black; 1,001, or twenty-seven and seven-tenths percent (27.7%) are white; 176, or four and eight-tenths percent (4.8%) are Hispanic; and 33, or less than one percent (0.91% to be exact) are Asian. “Whereas data collection itself is not a panacea,” Chief Ramsey said, “it will provide important insight into the daily activities of officers to ensure they are performing in a totally professional and impartial manner.” Ramsey is implementing a

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<sup>19</sup> See *U.S. v. City of Los Angeles, et. al.*, (Civil No. 00-11769 GAF, U.S. District Court, Central District of California), III (H) (103).



plan to collect data from pedestrian as well as traffic stops. “I always recognized the problem of racism in policing,” Ramsey acknowledged, “but I did not believe that the MPD had the severity of problems found in other major city police departments. I was wrong,” he said. “Perhaps this incident will give us the courage to face this cancer head-on and come up with meaningful and permanent solutions.”

President George W. Bush and U.S. Attorney General John Ashcroft have called for an end to the practice of racial profiling and have instructed the Justice Department to work with the Congress to produce legislation within the next six months. Attorney General Ashcroft has said that a bill introduced in the previous Congress by Representative John Conyers, D-Mich., and Senator Russell Feingold, D-Wis., would be a good place for the current Congress to start in considering the issue.

In March 2001 the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA), an international certification association for law enforcement agencies addressed the issue of bias based profiling. CALEA provides an accreditation process through which law enforcement organizations demonstrate compliance with nationally (and internationally) professionally recognized criteria for excellence in management and service delivery. An agency seeking accreditation from CALEA must prove that it has established and adheres to policies that address nationally recognized “best practices” in law enforcement.

At a recent meeting in Greensboro, North Carolina, CALEA adopted a new mandatory standard that requires any law enforcement agency seeking accreditation to demonstrate that it has a written directive prohibiting bias based profiling in traffic and field contacts. Bias based profiling, according to CALEA, is the selection of individuals based solely on a trait common to a group for law enforcement action. This includes, but is not limited to, race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable group. Bias based profiling should not be condoned CALEA argues “as it may lead to allegations of violations of the constitutional rights of citizens” and undermines legitimate law enforcement efforts. What is more, bias based profiling alienates citizens and fosters distrust of law enforcement by the community. Where practiced, bias based profiling undeniably has a corrosive effect on police-community relations. It is both unethical and illegal.

CALEA now requires any law enforcement agency seeking accreditation to demonstrate that it prohibits bias based profiling in asset seizure and forfeiture efforts as

well as traffic and pedestrian investigative stops. The agency is also required to prove that it trains its personnel in bias based profiling issues, takes corrective measures if bias based profiling occurs, and conducts an annual administrative review of agency practices including eliciting community concerns.<sup>20</sup>

The Select Commission believes that bias based profiling alienates citizens, fosters distrust of law enforcement by the community, invites media scrutiny, legislative action, and judicial intervention. Law enforcement personnel should focus on a person's behavior or conduct, or act on other specific information. Our laws require law enforcement officers to have a reasonable suspicion supported by specific articulated facts that the person contacted regarding their identification, activity or location has been, is, or is about to commit a crime, or is currently presenting a threat to the safety of themselves or others.

The General Assembly of Rhode Island in the Traffic Stops Statistics Act has declared "that racial profiling as the sole reason for stopping or searching motorists on our public highways is against public policy and violates the civil rights of the motorist."<sup>21</sup> It has defined the term "racial profiling" as "the detention, interdiction, or other disparate treatment of an individual solely on the basis of the racial or ethnic status of the individual." The Traffic Stops Statistics Act further requires municipal police departments and the state police to adopt written policies prohibiting racial profiling "as the sole reason for stopping or searching motorists for routine traffic stops" and to collect data from all traffic stops in the state. Throughout its hearings the Select Commission heard from many citizens who alleged that police because of the person's race or ethnicity made investigative stops and detentions of individuals. The alleged "racial profiling" was said by witnesses to be carried out against pedestrians as well as motorists. While we express no opinion as to the truth or falsity of such claims, we observe that the perception that Rhode Island state and municipal police have used racial or ethnic stereotypes as factors in selecting whom to stop and whom to search was quite widespread. The perception of a lack of fairness and a lack of impartiality in law enforcement undermines rather than enhances the administration of justice.

The Select Commission agrees with the observation made by Merrick Bobb, Special Counsel to the Los Angeles Sheriff's Department that it would be "poor practice

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<sup>20</sup> See CALEA, *Press Release* March 28, 2001.

<sup>21</sup> RI Gen. Laws, 1956, as amended 2000, § 31-21.1-2

for political and law enforcement leaders not to consider whether the practices of law enforcement agencies under their command pose a risk of potential liability.”<sup>22</sup> We stress that the issue of whether there is disparate racial and/or ethnic impact in traffic and pedestrian stops by state and municipal law enforcement officers in Rhode Island is entirely an open question. But given the increasing litigation, and potential exposure that arises from bias based profiling issues, it would be foolish for the state or a subdivision thereof to wait to be sued before acting on problems that need to be addressed.

In addition, every state and municipal law enforcement agency should have a policy prohibiting “bias based profiling.” Bias based profiling is the selection of individuals for law enforcement action based solely on a trait thought common to a group, including but not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group or any other identifiable characteristic. Every agency should train its personnel in bias based profiling issues including its legal aspects. Again, every agency should also have a policy that establishes corrective measures to be taken if such bias based profiling occurs; and, such corrective measures should be administered if it is determined that bias based profiling occurred. Finally, the Select Commission urges all law enforcement agencies in this state to conduct annual administrative reviews of agency practices including bias based profiling issues and citizen concerns.

## **RECOMMENDATIONS**

- 1. Screening for potential bias must be routinely part of any selection and interview process for police selection and police promotion.**
- 2. An affirmative statement regarding nondiscriminatory law enforcement and community service become part of the oath of office for each law enforcement officer within the state.**

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<sup>22</sup> The Los Angeles County Sheriff's Department, *13<sup>th</sup> Semiannual Report by Special Counsel Merrick J. Bobb & Staff* (December 2000), 13.

## CHAPTER FIVE: ACCOUNTABILITY

*“Even in the best of circumstances citizen oversight is only one part of a mixed, multifaceted system of accountability. To put it another way, citizen oversight is not a panacea and cannot achieve police accountability by itself. Or, to put it bluntly, no citizen oversight can save a truly bad police department where the department itself is not committed to accountability.”<sup>23</sup>*

*Samuel Walker*

### The Problem of Race and Police Accountability

Lack of police accountability in many American cities has contributed to a growing police-community relations crisis that if unaddressed threatens to erupt into a national tragedy. For many reasons, law enforcement agencies including municipal police departments have resisted social and cultural changes that have occurred within American society over the last half-century. At the dawn of the twenty-first century police departments in many municipalities are among the least diverse agencies of government. At the same time, the racial and ethnic demography of those cities has begun to change dramatically. Over the past decade, for example, Milwaukee, Wisconsin has become one a growing number of so-called “Minority-Majority” cities where for the first time the number of black and Hispanic residents exceeds that of whites. A similar demographic change has recently been observed in the city of Providence. Yet in both Milwaukee and Providence the police departments have been slow to reflect the rising racial and ethnic diversity in these cities.

Ironically, the Providence police department is perhaps the most racially and ethnically diverse municipal law enforcement agency in Rhode Island. Despite several requests for this information that department has yet to provide the data, but according to the Rhode Island Minority Police Association (RIMPA) the Providence Police Department has a larger number and higher percentage of minority officers of rank and in total than other large city departments within the state. The chief of the police department have both publicly acknowledged the need for greater racial and ethnic diversity through enhanced recruiting and hiring efforts.

Overall, out of approximately three thousand state and municipal law enforcement officers in Rhode Island there are less than two hundred black, Hispanic, Asian, or Native American officers. Only a handful of minority law enforcement officers in Rhode Island

hold the rank of sergeant or above, and possess any supervisory or command authority. However the lack of racial and ethnic diversity in Rhode Island law enforcement agencies and municipal police departments is only part of the accountability problem. According to a recent report of the Rhode Bar Association less than 2% (two percent) of Rhode Island lawyers are black or Hispanic. There are no Hispanics and only two African Americans who currently preside as judges in the state courts of Rhode Island. Rationales for the absence of diversity in the administration of justice in Rhode Island are very complex. But the seeming lack of meaningful participation in critical decision-making processes—from the streets through the courts—fuels minority mistrust in the fairness and impartiality of the administration of justice as well as to the effectiveness of conventional police accountability mechanisms.

The police-community relations crisis is compounded by the fact that racial and ethnic minority groups in the United States (and around the world) have borne the brunt of pervasive police abuse. Many aggrieved members of those minority groups believe—not without good reason—that the police are more inclined to use unnecessary force (and excessive force) and to engage in other forms of misconduct because of racism. Discriminatory practices such as “racial profiling” where police officers are alleged to have used racial generalizations in deciding who to approach, who to investigate, who to stop, who to search or who to arrest only exacerbate a longstanding minority mistrust in the fairness and impartiality of the administration of justice.

What is more, the evidence is indisputable that when compared to general population distributions, persons of color are disproportionately represented among those subjected to police use of force where the discharge of a firearm is involved. Why this apparent unequal application of deadly force exists has been the subject of a flourishing but as yet unresolved debate among researchers.<sup>24</sup> Police policy and practice experts, researchers, civil rights reformers, and civil libertarians have been unable to resolve this debate because the data needed to determine disputed issues has not been collected by law enforcement agencies and police departments.

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<sup>23</sup> Samuel Walker, *Police Accountability: The Role of Citizen Oversight* (Belmont, CA: Wadsworth, 2001), 185.

<sup>24</sup> Virtually every study of police use of fatal force has found that persons of color (principally black males) represent a disproportionately high percentage of persons shot by the police when compared to their representation in the general population. However there is little agreement as to why the disproportionality seems to exist. For a more detailed discussion of this issue see, Hubert G. Locke, “The Color of Law and the Issue of Color,” in William A. Geller and Hans Toch, eds., *Police Violence in America: Understanding and Controlling Police Abuse of Force* (New Haven: Yale University Press, 1995), 129-149.

In the meantime, the perception, by many minority people, of racism in the enforcement of law and the administration of justice remains palpable and real. “For most people in our society,” according to Lynne Cain, an Instructor from the South Carolina Criminal Justice Academy, who spoke to the Commission: “Perception is reality.” Far too many people who live in urban minority communities believe that police officers are racist, brutal, and/or corrupt. Such beliefs appear to be rooted in everyday observations and experience. A recent national survey of contacts between police and the public conducted by the Justice Department’s Bureau of Justice Statistics found that blacks and Hispanics who had contact with police were twice as likely as whites to experience police threat or use of force as a consequence of the contact. The same survey reported that black and Hispanic males were also far more likely than whites to be searched during traffic stops and that in nearly 90% of the searches conducted by the police “no drugs, alcohol, illegal weapons, or other evidence of criminal wrongdoing was found.”<sup>25</sup>

Both the police and the public should be concerned that for every person found during a traffic stop search to be engaged in some form of unlawful activity, there were nine other law-abiding people who were subjected to inconvenience, and possibly to public humiliation and embarrassment. In those instances where the citizen believed the police officer to be discourteous, the aggravation of the encounter was further compounded. Discourtesy by an officer, such as the use of racial epithets and other derogatory or demeaning terms, is often viewed within minority communities not only as a form of disrespect but also as a form of police brutality. For many racial and ethnic minorities a perception of discriminatory treatment at the hands of the police is all too real.

Equally troubling is the fact that many minority residents lack confidence in existing systems for ensuring police accountability. Conventional mechanisms for achieving police accountability—the political process, civil and criminal justice systems, and internal departmental administrative procedures—do not seem to have been effective in curbing police abuse of authority. Thus to many minority citizens the tragic police shooting that resulted in the death of Sgt. Cornel Young, Jr., a minority police officer

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<sup>25</sup> See Patrick A. Langan, Ph.D., Lawrence A. Greenfeld, Steven K. Smith, Ph.D., Matthew R. Durose, and David J. Levin, *Contacts between Police and the Public: Findings from the 1999 National Survey* (Washington, DC: US Department of Justice, March 2001).

from the community of South Providence, appeared to be emblematic of longstanding police-community relations problems.

Minority citizens in Rhode Island have been engaged in a struggle to end police brutality and to hold the police accountable for over thirty years. In 1971, after finding the political system unresponsive, a coalition of black leaders initiated a class action civil rights lawsuit in the federal courts in an effort to make the City of Providence and the Providence Police Department more responsible for controlling misconduct by its police officers. In 1973 the lawsuit eventuated in a Consent Decree whereby Providence, for the first time in its history, established a formal system for citizens to make complaints about police misconduct. By the 1990s the citizen complaint and administrative discipline system appeared to be breaking down. The system for citizen complaints and for administrative discipline of officers found to have engaged in misconduct in the city of Providence does not appear to have achieved what should be the aim of accountability: to end the use of unnecessary and excessive force. Unfortunately, reforms to curb abusive police conduct and practices—or, at least, the punishment of specific officers who have abused their authority—tend to occur only when the local (and in some cases, national) news media or high-profile court cases focuses public attention on the problem.

By 1991 the U.S. Justice Department found that the relatively small cities of Providence, East Providence, and Pawtucket each had citizen complaint rates at least ten times as high as nearby Boston. According to Human Rights Watch, an international human rights organization, those three Rhode Island police departments in the early 1990s earned the dubious distinction of being second only to New Orleans in the number of excessive force complaints. The Rhode Island State Police, one of only six state police agencies included on the Justice Department list, “ranked highest for complaints, with a rate of complaints four to twenty-five times higher” than the other state agencies. The report also noted that the Pawtucket Police Department alone, with only 144 officers, “received more than twice as many complaints per capita as any state, county, or municipal law enforcement agency in eleven states.”<sup>26</sup> To be sure, at the time Pawtucket had a municipal government riddled with corruption, and that crisis eventuated in a series of federal indictments and convictions that led to changes in city leadership. Complaints of brutality in Pawtucket have since decreased dramatically. Changes in leadership and

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<sup>26</sup> The Justice Department finding is discussed and cited in the Human Rights Watch report that highlighted police brutality in a number of cities including Providence. See *Shielded from Justice: Police Brutality and Accountability in the United States* (New York: Human Rights Watch, 1998), 348-357.

tighter administrative controls also appear to have improved the situation in East Providence as well as for the State Police. However the fact that a police-community relations crisis in Pawtucket coincided within the context of a municipal government in which there was widespread corruption for profit is significant.

There have been several changes in command at the Providence Police Department during the 1990s but police-community relations continue to be problematic. Over the past decade there have been numerous incidents involving citizen allegations of the use of unnecessary and excessive force as well as other forms of misconduct. When it comes to use of force issues the Providence Police appear to have characteristically resisted any form of external scrutiny. The precise number of complaints lodged over the past decade has proved almost impossible to determine. The Providence Police Department has not publicly released summary statistics of the number of complaints, results of disciplinary actions or reports of disciplinary actions taken subsequent to 1996. Even then, that disclosure was the result of litigation brought by a community activist group and the American Civil Liberties Union alleging violation of state open records law. Despite several requests from the Select Commission, the Providence Police Department is the only municipal police department in Rhode Island that has yet to voluntarily provide such information.

The Commission recognizes that there are inherent problems with attempting to assess a police department's performance simply by reference to official complaint data. For example, a low complaint rate may not reflect good policing but rather a procedure that is not well publicized, hostile to complainants or essentially inaccessible to those who believe they have been aggrieved. Conversely, a high complaint rate, the rates at which they are unsubstantiated or sustained, likewise may or may not be adequate measures of departmental performance. Moreover there are substantial grounds to believe that police misconduct *is* as Samuel Walker argues, "an extremely underreported phenomena." Comparisons of complaint rates between departments involving enormous variations across jurisdictions also may not be either fair or useful.<sup>27</sup> However, the seeming unwillingness or inability to provide routine summary statistical information about misconduct increases community concerns and doubts about the effectiveness of conventional administrative accountability mechanisms.

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<sup>27</sup> "A low complaint rate," Samuel Walker points out, "could mean that the police are doing an excellent job or that the complaint process is perceived as closed and hostile to citizens." While "a high volume of



While the overwhelming majority of Providence Police officers are honest, hardworking public servants that exercise the enormous discretion with which they have been entrusted with great care; those who do not have too frequently overshadowed all their efforts. Over the past several years local news media has reported that officers from the Providence Police Department have engaged in various forms of abuse of authority. The alleged abuses have included: the use of unnecessary force, use of excessive force, intimidation and extortion, assault and robbery, attempted acts of “theft-by-badge”(where an officer seeks to use his official status to obtain “free” goods and services for personal use), and other wrongdoing. There has also been civil litigation involving claims of misconduct against the police department, and several officers have faced criminal prosecution. Rarely does the department appear to take any action (at least publicly) before an incident of misconduct is reported by the news media or threatens to become a scandal. Because the police department has operated with excessive secrecy, resisted external scrutiny, and appears only to “react” to misconduct when it is publicly exposed, confidence in the ability of the police to police themselves is greatly diminished.

Critics might argue that the litany of alleged incidents, civil litigation, and criminal prosecutions involving the Providence police demonstrates that conventional accountability measures are not working. Offending officers apparently do not fear administrative discipline and are undeterred by the civil litigation or even criminal prosecution. Advocates for the police look at the same set of facts and argue that since the department takes administrative action, the City is sued and may pay judgments or settle claims, or that police officers may be and are sometimes prosecuted proves that conventional accountability mechanisms are working. Because this debate tends to occur within the emotionally laden atmosphere of a violent (and sometimes deadly) citizen-police encounter the ensuing discussion is frequently not conducive to dispassionate analysis.

What seems to have been overlooked in the debate between police critics and advocates is that the existing administrative processes and avenues for civil litigation and criminal prosecution are remedial measures at best. Questions arising in the context of administrative hearings, civil litigation, and criminal prosecution are inextricably intertwined with issues of individual punishment, reparation, or restitution. Little

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complaints could mean that there is a lot of police misconduct or that the complaint process is perceived to be open and responsive.” See, *Police Accountability*, 126.

attention seems to have been focused on preventative strategies. It may well be that the therapeutic measures have addressed symptoms rather than the disease itself.

Any system of police accountability, in order to be effective, must simultaneously advance multiple societal goals. At a minimum, a system of accountability should:

- Enhance and promote officer trust and integrity;
- Improve departmental and officers' relationships with the community;
- Improve supervision and management;
- Protect both officers and citizens;
- Reduce governmental exposure to civil liability (and thus save taxpayers money);
- Bolster public confidence in and cooperation with the police in order to lead to a reduction in crime, and
- Enhance the administration of justice.

In a civilized society police officers may only use force that is reasonably necessary. Allegations involving the use of unnecessary and excessive force raise crucial issues of trust and integrity. Thus the effectiveness of any system of police accountability ultimately depends upon whether *all* stakeholders perceive its administration to be generally fair and impartial.

Problems of police accountability strike at the very heart of the administration of justice. The police officer is the most visible symbol of law and justice within our community. It is imperative that members of the public have confidence and faith in the integrity police officers. Our society has entrusted police officers with special powers, not the least of which is the power to arrest and deprive someone of his liberty. Because we allow our police to judge our conduct as citizens we expect their conduct to adhere to the highest standards.

Every encounter that leads to serious injury or death involving a police officer and a citizen is a human tragedy. Whenever such a tragedy happens, there should be an examination independent of those involved with faultfinding to determine what, if anything, could have reasonably been done to avoid the tragedy altogether. Of course this is precisely the type of analysis that effective police managers and policy and practice experts often attempt to informally conduct whenever injury and death results to

a police officer and frequently (although not always) when harm occurs to a citizen. The problem is that non-police citizens, and large segments of the community that the police are supposed to serve, are often excluded from meaningful participation in decision-making involving police policies, procedures, and practices. Again, for most people (including police officers) in our society, perception is reality. Thus, for example, if a police department uses training materials that unwittingly perpetuate racial or ethnic stereotypes in the control of criminal behavior it may be contributing to bias and prejudice that our society is no longer prepared to accept. There are many examples of police practices that were once widespread in America—torture, coerced confessions, illegal detention, etc.—which if they were practiced today would be rightly condemned as violations of the civil and human rights of citizens.<sup>28</sup> When a law enforcement agency has failed to regularly elicit periodic feedback from the public on law enforcement practices and behavior it runs the risk of contributing to public misperceptions about its mission and undermines community confidence in its ability to hold itself accountable. It also deprives itself of opportunities to assess its performance, promote officer trust and integrity, and improve its delivery of service.

Yet another unfortunate consequence of the police-community relations crisis, especially where questions of race are involved, is the “us versus them” mentality that all too often influences how many in our society as a whole (including police officers) approach and seek to solve problems. Perceptions of police conduct are heavily influenced by underlying feelings of trust (or the lack thereof) that are, in turn, the legacy of historical experience. It is axiomatic that many people do not trust the police and will be immediately suspicious of investigations. This does not mean that any allegations of misconduct they might make are erroneous, special pleading, or should be summarily dismissed because of a perceived difference in the status of the participants in the encounter. It does mean however that the same legacy of historical experience that may have influenced a citizen perception of a police encounter may have also influenced how the police officer perceived the citizen’s behavior. This is the “cultural” problem at the root of the police-community relations dilemma.

When we speak of “culture” the distinguished Harvard sociologist Orlando Patterson points out, we are talking about more than just “models of behavior that are learned through trial and error by individuals in their responses to interactions with others

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<sup>28</sup> See National Commission on Law Enforcement [Wickersham Commission], *Report on Lawlessness in*

and other environmental or structural forces.” We are also speaking of “a repertoire of socially transmitted and intra-generationally generated ideas about how to live and make judgments, both in general terms, and in regard to specific domains of life.” In other words, we inherit cultural models from preceding generations through socialization, and we learn these models inter-generationally from peers and significant others through imitation and teaching as well as indirectly from agents such as the media or popular figures.<sup>29</sup> The problem of accountability, therefore, is not necessarily nor merely a racial or ethnic problem. Nor even is it a problem peculiar to the police. Among other things, our collective cultural understanding of historical experience influences it. This recognition has had significant impact upon how the Commission has sought to address the police-community relations crisis through its recommendations. There is however one other important consideration that must be discussed

#### The Direct and Indirect Links between Brutality and Corruption

Other commissions that have studied police misconduct in the late 1990s have found both direct and indirect links between corruption and police brutality. The Select Commission has not actively investigated allegations of corruption in Rhode Island police departments because of the widely reported existence of federal grand jury investigations that have produced a series of indictments involving officials in the City of Providence. Rather than to risk unduly complicating the investigations and crisis in the City of Providence the Select Commission has adopted what it believes to be the more prudent strategy of allowing the criminal investigations and prosecutions to run their course. However the Commission would be remiss in its obligations to the citizens of the State of Rhode Island if it failed to take notice of an emerging national consensus as to both indirect as well as direct links between police brutality and corruption. Because it may have important ramifications for Rhode Island policy-makers long after the Select Commission concludes its work some of these direct and indirect links require brief discussion.

Recent investigations in both Los Angeles and New York, as well as in other cities, have established that acts of brutality (the implicit or explicit threat of physical harm or the actual infliction of physical injury or pain) frequently accompany acts of

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*Law Enforcement* (Washington, DC: Government Printing Office, 1931).

police corruption. Just in the past few months, in the so-called “Ramparts Division” scandal involving the Los Angeles Police Department several police officers were found to have engaged in a pattern and practice of brutality, including murder, to cover up other acts of misconduct. In 1994, the Mollen Commission in New York found similar acts by police officers involving the use of force and excessive force to facilitate thefts of drugs and money. As our report goes to press there are police brutality and corruption scandals erupting in DeKalb County, Georgia, and in the cities of Cincinnati, Ohio as well as Detroit, Michigan. Like the Mollen Commission we reject the type of cynicism that leads to a conclusion that brutality and corruption are, more or less, now endemic and are a permanent feature of modern policing.

Among other things the Mollen Commission “found that corruption and brutality are often linked in a variety of ways—and should no longer be artificially separated by police managers, corruption fighters, and policy-makers.” The report of that commission further stated:

Until now there has always been a distinction drawn between corruption and brutality. Corruption was about money; brutality was about unnecessary force and abuse of authority. That distinction has in some cases blurred. The corruption we found sometimes involved the abuse of authority and unnecessary force and the violence we found sometimes occurred to facilitate thefts of drugs and money. This is critical to recognize to effectively investigate corruption and brutality, and develop prevention and detection strategies. Until recently, those efforts typically have been dealt with separately both in the New York City Police Department and other police departments throughout the country. This should not continue.

The Mollen Commission also found that brutality tends to foster corruption tolerance within police departments. Brutality was how many officers “crossed the line toward abandoning their integrity.” Once that line was crossed with little consequence, it was easier for officers to abuse their authority in other ways. Brutality was in fact used as “a rite of initiation.” Some officers to prove they were a tough or “good” cop, one who can

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<sup>29</sup> Orlando Patterson, “Taking Culture Seriously: A Framework and an Afro-American Illustration,” in Lawrence E. Harrison and Samuel P. Huntington, eds., *Culture Matters: How Values Shape Human Progress*, (New York: Basic Books, 2000), 208-210.

be accepted and trusted by his fellow officers not to report wrongdoing” used brutality in order to find acceptance within the departmental culture.<sup>30</sup>

Protected by the informal “code of silence” adhered to by their fellows, police officers who crossed the line of corruption found it increasingly difficult to limit their brutality to drug dealers and purported criminals. Law abiding citizens often became their prey as well. Even more alarming, the Mollen Commission found a greater tolerance for brutality than corruption within the New York City Police Department. Officers were more willing to discuss and admit to corruption than brutality. Even many supervisors had developed a “willful blindness” and tolerance of an “excessive use of fists to face, nightsticks to ribs, and knees to groin” because of an apparent widespread “perception that nothing is really wrong with a bit of unnecessary force.” The Mollen Commission further observed:

As with corruption, we were told that supervisors sometimes turn a blind eye to evidence of unnecessary violence around them. When cops come to the stationhouse with a visibly beaten suspect, supervisors, we were repeatedly told, often do not question the story they hear. And the story, or “cover” as some put it, is fairly standard: resisting arrest. Because a complaint usually comes down to an officer’s word (and often the word of fellow officer witnesses) against the perpetrator’s word, it is easy for a supervisor to let clear acts of brutality slide by without recourse.<sup>31</sup>

Of course brutality does not always directly serve corruption for profit. Nor does corruption for profit necessarily depend upon violence for gain. But, as the Mollen Commission warned, brutality strengthened the bonds of loyalty and silence among officers and thus fostered corruption tolerance. Corruption tolerance may well have had a corrosive influence on the acceptance of—and even fostered—the use of unnecessary force within the department as well.

The goal of the Select Commission’s activities has been to find solutions rather than to fix blame. The problems of race and police accountability are enormously

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<sup>30</sup> See Commission to Investigate Allegations of Police Corruption and Anti-Corruption Procedures of the Police Department [Mollen Commission], *Commission Report* (New York: July 7, 1994), 44-45.

<sup>31</sup> *Supra* at 49.

complex, will not yield to any simple or “quick-fix” solutions, and will require some accommodation and effort from all of the stakeholders in the inescapable web of mutuality.

#### Toward a Mixed Multi-faceted System of Accountability

“A mixed system of accountability,” Samuel Walker observes, “includes a variety of internal and external mechanisms.”<sup>32</sup> One of the most important is that the police chief executive of each law enforcement agency in Rhode Island must make a serious commitment to accountability and to ending officer misconduct. Mayors, city and town managers, and city and town council members as well as other elected officials should support the efforts of police departments to develop mechanisms of accountability to prevent and to end officer misconduct. The most promising “best practices” in American policing that have emerged over the past ten years include a variety of internal and external remedies that may be simultaneously employed to enhance and promote officer accountability, trust, and integrity.

Of course, as Walker observes “a commitment to accountability means more than just mere rhetoric.” Rhode Island law enforcement CEOs must develop, implement and maintain nationally recognized “best practices” in police management, training, and discipline. These “best practices” include management information (“early warning”) systems that help to identify officers with recurring performance problems, consistent and tough disciplinary actions, and the development of an organizational culture committed to “self-assessment” and “learning” from problems or indicators of potential problems of “at-risk” conduct.<sup>33</sup>

Rhode Island police chiefs must manage proactively as well as reactively to problems of officer misconduct. It is easier to prevent harm than to heal injury once damage has been done. Early intervention where non-disciplinary remedial action such as coaching, counseling or retraining is used to prevent misconduct should be the benchmark for all police managers. They must involve other supervisors, and yes, rank-and-file officers in efforts to develop systems of accountability and to promote trust and integrity.

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<sup>32</sup> Walker is recognized by the U.S. Department of Justice as one the leading experts in the field of police accountability. We have relied heavily on his discussion of the general issues. The quotation is found in his *Police Accountability*, 185.

While the Select Commission believes that enhanced leadership and supervision are essential to any system of accountability, it recognizes that effective management of police misconduct requires external as well as internal control mechanisms. Effective or even visionary police leadership—in the absence of a well-designed system of responsibility with ample “checks and balances”—cannot overcome a police subculture of misconduct and corruption once it has become entrenched within a department. “The problem of police misconduct, Walker argues, “is not merely a matter of a few rotten apples but of failed organizations.” To be sure, this Commission believes that only a small percentage of police officers in Rhode Island engage in misconduct involving brutality and corruption. The fact that such officers more often than not escape discipline and punishment for engaging in inappropriate and unlawful behavior has significance for understanding and solving the problem. As Walker points out: “Firing or prosecuting a few officers may offer a measure of symbolic justice, but in the long run it leaves the conditions that tolerated and even fostered the misconduct unchanged.”<sup>34</sup>

A problem of misconduct that persists or recurs over a period of years (or even decades) suggests that a police department has developed and tolerates a subculture of deviance from normative police standards. Thus we agree with Walker where he observes that “the challenge to achieving police accountability is not how to “get” a few bad officers but how to fix organizations.” Effective control of police misconduct requires a combination of efforts from both within and outside the police occupation.<sup>35</sup>

There are several formal internal control mechanisms that have been found useful in constraining police wrongdoing. What follows in the next several paragraphs is a summary of some of the most important internal control mechanisms the Select Commission learned from a variety of sources, including research of police policy and practice experts, public hearings, and from the police officers who testified and served on the Commission.

Internal control mechanisms include reasonable and workable policies, procedures and rules. Because such guidelines define organizational expectations, they

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<sup>33</sup> Walker, *Police Accountability*, 185. For nationally recognized “best practices, See U.S. Department of Justice, *Principles for Promoting Police Integrity & Examples of Promising Police Practices and Policies* (Washington, DC: January 2001).

<sup>34</sup> *Police Accountability*, 4-5.

<sup>35</sup> For detailed discussion as to how the police normative system is molded and shaped by politicians, police officials, the judiciary, and peers see Victor E. Kappeler, Richard D. Sluder, and Geoffrey P. Alpert, *Forces of Deviance: Understanding the Dark Side of Policing* (Prospect Heights, Ill: Waveland Press, 1994). The quote from Walker may be found in *Police Accountability*, 5.



must be conscientiously followed and consistently enforced by police managers and supervisors. Officers should be provided with quality pre-service and in-service training and educational programs. Such programs, to be effective, must move beyond simply instructing officers on “how to do” police work. They must teach critical thinking skills, problem-solving techniques, and an understanding of the “values” that underlie police work. Scenario-based instruction should be used with recruits at the police academy, and should also be used periodically as an essential part of in-service training. Likewise, ethical behavior and conduct should be reinforced not only during an officer’s initial training, but also throughout his or her career. Officers must be properly supervised. Supervisory failures are a major contributing factor to corruption and misconduct and the climate of tolerance that makes it possible. Police managers and supervisors must not only impose sanctions for deviance but also provide officers with incentives to comply with organizational values. Beyond those who merely comply, law enforcement managers and supervisors (and the citizens they serve) should commend officers who excel in community and problem oriented policing. Chief executive officers of departments should not only encourage but also attach importance to service in community and problem oriented policing. Successful service in community and problem oriented policing should be factors considered in performance evaluations and promotions.

On the other hand, officers who succumb to deviant policing and misconduct should be held accountable for their actions through a well-devised, progressive system of discipline. Larger departments may need to further centralize administration and tighten supervision in order to control deviance. Internal Affairs units, when they function with integrity, have also played an effective role as an internal control mechanism. However, in departments where command accountability or integrity has lapsed, an Internal Affairs unit is not likely to promote either accountability or integrity. If anything, where leadership, command accountability and integrity problems exist, Internal Affairs units are more likely to conceal rather than reveal misconduct and corruption. A bureaucratic tendency to suppress scandal or to cover-up management and supervisory failure often takes priority over normative desires to remove corrupt and deviant officers (or to remove incompetent supervisors) from the ranks. And since Internal Affairs units are perhaps the most secretive and least transparent units within most police departments—they are not likely to bring about community confidence and

trust. As long as they continue to function as closed self-protective institutions, police departments will view misconduct and corruption disclosures as painful and harmful. Thus internal control mechanisms to ensure command accountability in the absence of external independent oversight measures will inevitably fail. External independent oversight in the absence of effective internal control mechanisms also fails to curb police misconduct. The Commission therefore recognizes the need for internal command accountability as part of a larger mixed system of both internal control mechanisms and external oversight measures.

The success of internal command accountability hinges on making managers and supervisors accountable for preventing misconduct and uprooting corruption in their commands. Thus the functioning of command staff should be regularly evaluated, and commanders ought to receive sanction or reward based upon their performance of anti-misconduct and corruption policies and procedures. Effective police supervision requires that managers and supervisors as well as rank-and-file officers receive regular performance appraisals. Regular performance appraisals in law enforcement have been considered a “best practice” in American policing for almost thirty years. In 1973, the National Advisory Commission on Criminal Justice Standards and Goals recommended that every police agency adopt a policy of retaining or promoting to higher ranks

. . . only those personnel who successfully demonstrate their ability to assume the responsibilities and perform the duties of the position to which they will be promoted or advanced. Personnel who have the potential to assume increased responsibilities should be identified and placed in a program that will lead to full development of that potential.

It hardly need be said that the key element in this type of screening process is an accurate assessment of the employee’s past performance.

Standardized performance appraisal for both probationary and certified police personnel has become the norm in progressive police departments nationally. But only a handful of law enforcement agencies and police departments in Rhode Island currently use standardized performance evaluation or appraisal systems. According to a former internal affairs investigator in the Providence Police Department, for example, “there is no evaluation system whatsoever for employees.” There have been well-publicized

allegations that for several years jobs, promotions, and contracts to do business with the Providence Police Department have been for sale. Hopefully, the truth or falsity of such allegations will—to some extent—be soon resolved in the courts. However the allegations—especially those concerning wrongdoing involving personnel processes—cast a dark cloud over the police department and deeply trouble the Commission.

The Commission believes that the absence of a standardized evaluation or performance appraisal system where employees' emotional job-related security needs are considered by management contributes to job dissatisfaction, interpersonal conflict, poor performance, disciplinary problems, and high employee turnover. It may play a role in the alienation of some officers from their department, its management, from their jobs, families, and the communities they are supposed to serve. Alienation encourages normlessness—a feeling that one must play outside the rules of the game (play dirty) to win. It produces feelings of isolation and estrangement, and breeds an unhealthy dependence on material rewards for incentive. Alienated officers are more likely to succumb to the temptations of corruption because they have no investment or stake in the honor of their work. They may view themselves as “doing time,” and going through the motions. Conversely, they may see themselves as engaged in a thankless crusade, unappreciated by others, which necessitates the concealment of misconduct, deception and prevarication, and a compartmentalization of “official” activity from the reality of required acts.

Alienated police officers tend to view themselves as misunderstood and rejected. They feel that others (particularly in the criminal justice system) turn their efforts into undoing their work. They feel unappreciated, uncompensated, and disrespected by the public and their superiors alike. Often alienated officers have little respect for large groups of citizens (whom they may characterize as intrinsically evil and incorrigible) and tend to be contemptuous of command staff (whom they may view as removed from police work, subject to political manipulation and/or confined by community concerns). An alienated officer is likely to be viewed by the community where he is assigned (and sometimes even within his own department) as lazy, unresponsive, dishonest, and brutal.

The alienated officer is not only resentful of police management and supervision but also hostile to the community. It is the alienated officer who is most likely to escalate a situation involving public contact into violence and to use racist epithets. Alienated hostile and resentful police officers contribute to the climate of fear that surrounds

citizens who live in crime-ridden neighborhoods. Law-abiding citizens living in such areas fear and mistrust the police almost as much as they fear criminals. No law-abiding person ought to fear and mistrust or doubt the fairness or impartiality of the police. Because their behavior seems to justify that fear and mistrust, alienated police officers breed cynicism and hostility on the part of the public, and help to undermine the rule of law and the administration of justice. They pose a danger to the community they are supposed to serve, to their fellow officers, and to themselves.

Increasingly progressive police departments are turning to so-called “Early Warning Systems” in order to monitor and control certain forms of police misconduct. Early warning systems are internal administrative systems designed to identify officers with recurring performance problems—such as high rates of citizen complaints—and to provide some formal intervention, in the form of counseling or training, designed to correct the officers’ behavior. The purpose of an early warning system is to spot problematic behavior early so the department can provide an effective intervention.

The problems of race and police-community relations in Rhode Island are multifactorial. There is no single internal or external solution that will eliminate racism and lead to nondiscrimination in the enforcement of law, improve police-community relations, and enhance the administration of justice. What is needed then is a mixed multifaceted system of accountability that enhances and promotes law enforcement trust and integrity. Thus what follows are a series of recommendations that mix both internal and external remedies to construct a new overall system of accountability for police-community relations in the State of Rhode Island.

## *I. Accreditation*

The Select Commission proposed the formation of a Rhode Island Police Accreditation Commission in its *Progress Report* of January 2001.<sup>36</sup> Since that time enabling legislation empowering a Police Accreditation Advisory Commission has been heard and passed by the respective judiciary committees of the Rhode Island House and Senate, and will soon hopefully be considered and passed by the both houses of the General Assembly and signed by the Governor.

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<sup>36</sup> See *Rhode Island Select Commission Progress Report*, January 2001.

Police accreditation is certification process that assists law enforcement agencies in establishing and maintaining standards of excellence, and in creating an environment of self-assessment and continuous improvement that, in turn, leads to greater accountability. Police accreditation is a burgeoning movement in the Americas—that has given rise to an increasing number of statewide police accreditation commissions (as well as coalitions)—and offers the best long term internal control mechanism for improving overall departmental accountability. To be sure, we do not suggest here that a police accreditation process, by any means, is a panacea. It does, however, begin and extend both dialogue and action around issues of standards for police service. Accreditation requires the kind of ongoing communication with the community served which can only lead to greater understanding and proaction. As a dynamic process, rather than a single injection of professionalism and accountability, accreditation supports a focus by police agencies on continual improvement, searching, and questioning the means by which community service can be enhanced.

## **RECOMMENDATIONS**

1. **All state and municipal law enforcement agencies shall become accredited by a Rhode island Police Accreditation Commission (RIPAC) and/or Commission on Accreditation for Law Enforcement Agencies (CALEA) within three to five years. State accreditation by RIPAC shall include, at a minimum, satisfactory evidence and documentation supplied by the law enforcement agency that it has established, enforced, and maintained procedures and policies that:**
  - a. expand recruitment with emphasis upon developing a diverse pool of applicants
  - b. Assess recruit abilities across a broad spectrum of attributes that include, but are not limited to, psychological testing and candidate interviews designed to identify bias and prejudice.
  - c. Evaluate performance of probationary status officers to ensure quality officers are referred for certification.
  - d. Clearly define the use of force
    - i. Require use of force incident forms

- ii. Govern off duty conduct and intervention
  - iii. Require supervisors to evaluate each use of force and if necessary, recommend remedial training, discipline, and/or a change in departmental procedures
- e. Require training and certification of field training officers
  - i. Evaluate performance of field training officers to ensure quality mentoring of new officers.
- f. Require in-service continuing training and education.
- g. Require in-service and recruit training in the subject of interpersonal skills relating to diverse populations, with an emphasis on awareness of cultural differences.
- h. Require recruit and inservice training on ethical behavior and professional conduct
- i. Require recruit and continued training on the use of non-lethal force options
- j. Require certification and re-certification on emergency vehicle operations
- k. Require initial and continuing employment certification and recertification by the POST as a condition of continued employment.
- l. Provide annual public reports that include statistical and summary information on uses of force, searches and seizures, arrests, complaints and misconduct investigations as well as internal and external commendations.
- m. Elicit annual periodic feedback from the public on departmental practices, officer behavior, and levels of civility.
- n. Require that compliments and/or commendations of officer behavior received from citizens be noted in the complimented or commended officer's file, and considered in the context of performance evaluations as well as for promotions.
- o. Require wide dissemination of departmental policies and procedures governing non-discrimination, interactions with citizens, the intake, investigation and resolution of misconduct complaints, and commendations. The phrase "wide dissemination" includes effective

outreach to the entire community---including members of racial or ethnic minority groups---served by the department.

## *II. Misconduct Complaints and Investigations*

The Select Commission requested that each of the police agencies in Rhode Island send us information about their misconduct complaint policy, process, forms, and data collection over the past several years. Interviews were also conducted with Internal Affairs officers and police administrators across the state to solicit their insights and suggestions for this aspect of police-community relations which has been the most fraught with difficulty. Not surprisingly, some of the smaller agencies in Rhode Island had less sophisticated data collection techniques but assured the Commission that their handling of civilian complaints was both sincere and a priority. In almost no case, however, was information about the race of the complainant and the officer recorded systematically by any agency.

Providence Police was undergoing a transition in leadership of Internal Affairs at the time of the first inquiry by the Commission. An interview with the Internal Affairs commander did take place and was supplemented with data from 1996 regarding complaints against the police. However, despite follow-up requests no further data more recent than that was received from official sources within the Providence Police Department.

During the public hearings, much of the testimony focused upon frustration with and cynicism over the process by which citizens can make complaints and receive assurances that officers who are abusive receive discipline. In Providence, the process seems particularly hampered by a 1973 Consent Decree which was designed to address these very issues but is seen as intimidating, one-sided, and snail-paced. Across the state, there is widespread discontent about the Police Officer's Bill of Rights and its perceived hampering of disciplinary efforts in-house.

Several agencies were in the process of improving the availability of complaint forms and streamlining the process by which citizens remain informed of the progress of the complaint. Some agencies were making forms available in public buildings than the police station, and printed in several languages in use in their communities (Cumberland, Pawtucket, Central Falls.) Other agencies are beginning to form clearly defined civilian

complaint processes in response to liability audits. A summary of complaint information for Rhode Island police agencies can be found in Appendix 4.

The Select Commission finds the most significant impact requested by the community are to be found in the complaint process through investigation, findings, disciplinary action and feedback to the complainant and the community served.

## **RECOMMENDATIONS**

- 1. In the absence of any statute, federal or state administrative regulation, consent decree and/or court order requiring a department to otherwise follow a particular policy and specific procedure, all state and municipal law enforcement agencies shall develop, implement, and publish citizen complaint intake and handling procedures and policies. The aforesaid procedures and policies shall include, at a minimum, the following:**
  - a. A full and fair opportunity to file complaints alleging officer misconduct. Complainants must be allowed to file complaints in-person, by mail, by telephone, by facsimile transmission, or where possible, by e-mail. A complaint form should be offered but completion of the form shall not be required to initiate a complaint or investigation. Anonymous complaints should still be investigated, subject to the limitations inherent in such complaints. A person making a complaint shall not be required to provide his or her oath or affirmation to initiate a complaint or misconduct investigation. Individuals must be able to obtain and file complaint forms at places other than the law enforcement agency itself. Forms and simple instructions on how to file complaints should be available at all municipal (town or state) offices, public libraries, public schools, community centers as well as at other places (including police stations) within the jurisdiction.**
  - b. Expressly prohibit all officers and other state and municipal employees from refusing to accept complaints or attempting to dissuade a civilian from filing a complaint. No citizen or other**



**complainant shall be required to meet or speak with a supervisory officer as a precondition, condition or requirement for filing a complaint. Any officer or other employee who refuses to accept or attempts to dissuade or prevent any person from filing a complaint shall be disciplined administratively, or where appropriate, prosecuted criminally.**

- c. A widely disseminated provision that complaints shall be accepted and received from all individuals, including those who request anonymity, as well as from third parties—in order to ensure that witnesses of abuse or misconduct can initiate complaints as well as victims of such misconduct.**
- 2. A requirement of an affirmative duty that all departmental officers and employees report police misconduct or ethical violation that they witness or of which they become aware. The failure to report such misconduct or ethical shall be the subject of appropriate discipline, up to and including termination of employment. Departments may wish to install a confidential hotline for anonymous reporting of misconduct and ethical violations.**
- 3. Provide appropriate protection against retaliation for officers who report police misconduct or ethical violation. Such protection should include a personnel policy that no officer shall be the subject of any adverse administrative action based or founded upon the officer's report of misconduct or an ethical violation.**
- 4. A requirement as a condition of continued employment that officers file a report to the chief executive officer of the department and to Peace Officer Standards and Training (POST) Commission disclosing any instance in which they are: arrested or criminally charged for any conduct; named as a party in a civil suit regarding on-duty conduct; or named as a party in a civil suit regarding off-duty conduct where the allegations are related to the**

**officer's ability to perform law enforcement duties (e.g., use of improper force, fraud, or discrimination).**

- 5. Establish a process that ensures that whenever a court or a prosecutor concludes that an officer engaged in misconduct in the course of criminal investigations or proceedings (e.g., engaged in false and misleading testimony or dishonest or unethical conduct, or improperly charged an individual with resisting arrest, assault on an officer, failure to move, or disorderly conduct in an attempt to justify inappropriate use of force) that the chief executive officer of the department and the POST Commission be notified.**
- 6. All misconduct investigations shall be thoroughly and impartially conducted within thirty (30) days of the filing of the complaint. Complainants shall be kept informed as to the status of the investigation. Investigations shall be conducted giving appropriate consideration for the due process rights of the officer, in light of all applicable statutes, regulations and collective bargaining agreements. At the conclusion of the investigation, copies of all reports of investigation shall be forwarded to the chief executive officer of the department, complainant(s), the officer(s) alleged to have engaged in misconduct, and the POST. Complainants should be informed in writing of the reasons why or why not disciplinary action was warranted or unwarranted, the disciplinary action recommended by the investigators, and the discipline actually imposed by the department.**

### ***III. Civilian Review***

The Commission will not turn a blind eye to the multiple reports of police abuse of authority that have been recorded by groups such as Direct Action for Rights and Equality; the Urban League; the ACLU; the Gay and Lesbian Hate Crimes groups. The Commission listened to many people come forward at public hearings and testify to police abuse of authority. The staff has also taken witness reports from those who have been in questionable encounters for the purpose of research gathering. It first must be made very clear that it is not the role of the Select Commission to serve as judge and jury

on such matters. The Commission is charged with identifying issues of concern from the entire community and providing recommendation for possible solutions.

Various civilian and external review complaint models are in place in cities throughout the country. Often, civilian review was a response to egregious and public police misconduct scandals. Data regarding the institutionalization of such review has yielded mixed results, and frequently such review was vigorously resisted initially by police officers and unions. It is heartening to note, however, that after incorporation and a period of skepticism, such programs can be supported and praised by the police officers most vocal in opposition at the time of recommendation.

A specific model of civilian review known as the Providence External Review Authority has been repeatedly brought to the attention of the Commission. It has the advantage of community support and a vetting process well under way in public meetings in Providence and before the Providence City Council. What has become apparent in research of the Commission is that the Internal Affairs Division of the Providence Police Department, particularly in its performance relating to civilian complaints, lends little credibility to accountability within the department. (This Commission has received cooperation and data on complaint policies throughout the state, but as of this writing has not received data from Providence Internal Affairs Division more recent than 1996.) The existing structure is outdated and inefficient. While civilian oversight should not and will not substitute the authority and role of the police chief, the union leadership, or existing Internal Affairs structure it can open a door to a better image and reality of a police department committed to accountability.

Civilian oversight is not the final solution to improving race and police-community relations. Civilian oversight is a reaction to behaviors the Commission is charged with attempting to prevent. Civilian oversight can promise deterrence and thus bring both the community and police to the table to negotiate a lasting peace. Civilian oversight can serve as a watchdog. It can provide the community with a voice in areas where they feel they have none. It can also protect officers from feeling obligated to a “Blue Wall of Silence” when their fellow officers abuse their authority and damage the reputation of the entire department.

## RECOMMENDATIONS

1. **The implementation of PERA for civilian review in the city of Providence. During a pilot period, and thereafter if adopted, data be systematically collected on both complaints and the course of complaints through the process of civilian review, and be released publicly on a quarterly basis.**
2. **Statewide, agencies review the concept and opportunities for civilian input into the practices and procedures of the police service delivered in each community.**

### *IV. RESOLUTION OF MISCONDUCT ALLEGATIONS*

1. **All state and municipal law enforcement agencies, where necessary, shall enact or amend departmental policies and procedures to reflect the following general principles in the resolution of misconduct allegations:**
  - a. **In evaluating evidence and making credibility determinations—the agency’s chief executive officer and any hearing committee that makes factual determinations in connection with the officer’s exercise of due process rights—should consider all relevant factors. No investigator, supervisor, agency chief executive officer or other decision maker should make any automatic judgment that a credibility determination cannot be made where the only and principal information about an incident is the conflicting statements of an officer and a citizen. Likewise, there shall be no automatic preference for an officer’s statement over a civilian’s, or vice versa.**
  - b. **Consistent with applicable statutes, rules and labor agreements all law enforcement agencies shall appropriately discipline any officer who is the subject of a substantiated misconduct allegation regarding excessive force, false arrest, improper search or seizure, discriminatory law enforcement, discriminatory behavior in the**

workplace, or who fails to report misconduct and ethical breaches by another officer. Any officer found guilty or who enters a guilty plea in a criminal case regarding on-duty conduct; or who is found in a criminal proceeding to have intentionally committed misconduct involving excessive force, false arrest, improper search or seizure, giving false testimony, or some other act involving a crime of moral turpitude, shall be appropriately disciplined up to and including termination of his or her employment.

- c. When deciding and imposing the appropriate discipline for an officer who is the subject of a substantiated misconduct allegation, the decision maker should consider the nature and scope of the misconduct, and the involved officer's history of misconduct investigations and discipline.
- d. Regardless of whether a misconduct allegation is substantiated or whether discipline is ordered, the department shall also consider whether to require training, counseling, or other non-disciplinary measure for officers who are the subjects of misconduct investigations. Likewise, where a pattern of unsubstantiated misconduct involves allegations of excessive force, false arrest, improper search or seizure, discriminatory policing, or discriminatory behavior in the workplace, the department should require appropriate remedial non-disciplinary measures such as training, coaching, or counseling.

#### *V. The Law Enforcement Officers' Bill of Rights*

There is perhaps no other area of our inquiry as a Commission engendering the most controversy, misunderstanding, and entrenchment as the Law Enforcement Officers' Bill of Rights (LEOBOR) in Rhode Island. The Select Commission recognizes the atmosphere which produced the first drafting of the Bill as a protection from arbitrariness in discipline accorded to officers whose enforcement of laws might prove to

be unpopular and unsupported by city and town administrations. This resonates through more recent climates of influence peddling and corruption in some city and town administrations. It is also true that in its most recent form, the LEOBOR in Rhode Island remains one of the most stringent in the country today from the standpoint of the community seeking redress.

A recent study of the operation of the LEOBOR in Rhode Island found that in over half of the cases brought to a hearing, the charges against the officer were upheld and the discipline confirmed. Many more potential cases are ‘settled’ prior to a hearing by the agreement of the accused officer to accept the discipline meted out by the Chief of the agency, often after some negotiation. This is not the community’s perception and coupled with the mandatory restrictions on release of information about pending cases contributes to widespread mistrust of the process. Indeed, it would not overstate the case to say that the mere mention of the LEOBOR produces very strong reactions by the public. Some of the reactions are expressed misperceptions of the actual provisions of the law; but, as discussed earlier in another context, “perception is reality.”

## **RECOMMENDATION**

- 1. A legislative subcommittee, or other study panel, be convened solely on the subject of the Law Officers’ Bill of Rights. Affected stakeholders such as police union leadership, police management, legislators, and community leaders should particularly review, but not be limited to, the following proposed changes to the Law Officers’ Bill of Rights:**
  - a. Summary punishment by Chief of Police to be increased to five (5) day suspension, with provisions for due process rights of officers through a grievance or arbitration process.
  - b. The composition of the hearing committee. Total of hearing committee increasing to five (5) members. Three (3) of the five members shall be active or retired law enforcement officers from within the state of Rhode Island (other than chiefs of police) who have had no part in the investigation or interrogation of the law enforcement officer. Two (2) members of the committee shall be citizens who have no business,

employment, or familial relationship with law enforcement agencies or officers. The chief or highest ranking officer of the law enforcement agency and the aggrieved law enforcement officer shall each select one law enforcement member of the committee. The third law enforcement officer and the two citizen members of the committee shall be selected by the presiding justice of the Superior Court from the panel of adjudicators.

- c. Wide advertising to achieve a racially, ethnically, and gender-diverse pool of civilians willing to serve as adjudicators. From this pool, a list of these citizens will be provided to the presiding justice of the Superior Court, then subject to *voir dire* or questioning by both attorneys in the case.
- d. An audio or video tape recording device shall record all interviews and interrogations.
- e. An audio or video tape recording device shall record all interviews of complainants and other witnesses. In the event that a third party witness wishes not to be video or audio taped, statement(s) will still be taken.
- f. A citizen complainant (if any) shall be given ample opportunity to present evidence and argument with respect to the issues involved. The law enforcement agency, law enforcement officer, and citizen complainant (if any) may be represented by counsel.
- g. A copy of the record shall be provided to the citizen complainant (if any), the law enforcement officer, or to the attorneys or representatives of record upon request.

## CHAPTER SIX: RECRUITMENT/SELECTION/TRAINING

*“Any organization, private and/or government, can only operate at high levels of effectiveness and efficiency if they have quality employees. Unlike private organizations, public organizations have a mandate to provide equitable services to citizens in an effective manner while remaining accountable to their citizenry. The first step, of course, is attempting to select those individuals that provide the best fit for the organization and its goals. .. A good officer has the values, principles, and ability to appropriately select, blend, and fulfill the different roles of policing (Law enforcement, maintaining order, public servant) according to the demands of the job situation. In addition he/she must have **common sense, mature judgement and problem solving capabilities**. In a similar vein, the officer must develop the correct policing concepts, entail the concepts of police work as an effort to improve the welfare of the community and to prevent crime and disorder. Secondly, they should have the concept of **high respect for individual rights**.” Mark Correia, Ph.D. University of Nevada, Reno.*

### *I. Recruitment/Selection*

Police departments without question should reflect the demographic makeup of the community served. That the phrase “the community served” has changed rapidly in the last decades is evident, with the “minority” population becoming the “majority” in some of our urban communities. The increasing diversity of Rhode Island is mostly evident in the urban centers but it is also clear that in a state as densely populated and small, there is not a Rhode Island city or town that will remain homogenous. A “community served” focus should embrace patrons of retail and service businesses, drivers, young people at sporting events...in short, all of the people who might be within a particular city or town for whatever duration.

Commissioners asked in each community about the representation of minority officers on each police department. The figures received were less than encouraging for the most part, with several departments indicating no minority officers currently on the police force. Even the core city police agencies within the state of Rhode Island have minimal minority representation relative to their total population (see appendix 5). Some strides have been made with a few of the state’s agencies. For a notable example the Central Falls Police Department, has, in the last two years, tripled the number of minority civilian and sworn personnel. Other agencies have incorporated a minority recruitment plan (Warwick, Smithfield, Rhode Island State Police, Providence) and have contacted the Commission regarding new ways to reach out to minority candidates (Cranston, East Greenwich, Newport.) These efforts have not yet caught the attention of citizens in



Rhode Island as we hear repeated complaints from minority communities regarding the lack of diversity of their local force. The Commission remains further concerned that a prevailing atmosphere of mistrust would have a chilling effect on young people's desire to even consider police service as a career.

It would be too facile to blame this outcome entirely on the police departments. Recruitment is an expensive and personnel-intensive process and can be particularly onerous in agencies who rarely have openings combined with a lean staff to work on enhancing the pool. Through international research, this Commission has been encouraged to note that targeted efforts can pay off: Pakistan has been able to increase the percentage of women officers at recruit and command levels despite the obstacles of a cultural taboo. If we fail to take the measures necessary here and now in Rhode Island, we are depriving ourselves, as members of a global society, of the opportunity to learn from each other's cultural experiences and enrich our understanding of all communities served.

It has also come to the Commission's attention that the leaders of the diverse communities of Rhode Island might bear some of this responsibility. Based upon well-documented efforts of the Rhode Island State Police in their last recruitment drive, the apathy and lack of response from some minority community leaders towards proactive recruitment limited its success. Some of the same community leaders were openly critical when that recruit class resulted in only two African American recruits.

It is also clear from testimony and the methods used for recruitment in Rhode Island that simply increasing minority representation on the police forces is only one of a number of improvements that need to be made. There are lingering (and in some cases, fresh) impressions that the path to a police career in some Rhode Island communities lies more in 'who you know' than in the qualities and attributes brought to this most essential community role. The allegations in a number of publications that campaign contributions can translate into a badge or a promotion contribute to both the tainting of all officers with a broad brush and discouraging application in the quarters we most might wish to enhance recruitment. In the words of the St. Clair (Boston) Commission Report "a true meritocracy needs to be established for police officers." We concur, and believe the meritocracy atmosphere needs to permeate the recruitment and selection process as well as the promotional process of our agencies. Our recommendations will speak to de-politicizing both processes.

Rhode Island cities and towns vary in their minimum requirements for police recruits. Nineteen departments require a high school diploma or G.E.D., five an Associate's Degree with an additional five allowing for Military Service in lieu of the degree. One agency, Smithfield, requires a Bachelor's Degree, and the remaining six some amount of college preparation (between 30 and 60 credits.)<sup>37</sup> Written examinations are part of the process across the state, but types of test differ. Physical agility is assessed and promoted in all of the academies with more concurrence on entry level standards. Candidates to all three of the police training academies undergo a standard psychological battery<sup>38</sup> and interview, but the assessment of cultural sensitivity and other psychological aspects at entry level and beyond remain an area of community concern. The battery does not include predilections for the use of excessive force or assessment of racial, ethnic or other bias. Further, it is a rare event (perhaps as few as one in five years) in this state for a recruit to be rejected due to results of the psychological testing. What data that is available merges firefighter and police candidates in Rhode Island, complicating any assessment of what this means. For comparison, Los Angeles County Sheriff's Department reports that 42% of the failures of recruits to be accepted for academy training happens in the psychological realm.<sup>39</sup>

Background investigation of candidates varies from intense for State Police and some of the other departments to perfunctory in other areas of the state, judging by the number of criminal/motor vehicle records cases found later in an officer's career. Background investigation remains the area where a recruit's behavioral propensities, with the public, over time, and perhaps under stress will be the most evident.

Selection processes in the various agencies often include an interview with a panel of questioners. Whether questioning about racial, ethnic, gender, age, sexual orientation and other bias is taking place with each applicant systematically across the state is doubtful. The Commission believes that these aspects of a recruit's propensities are the most vital to the communities in Rhode Island.

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<sup>37</sup> Source: Rhode Island Uniform Crime Reports 1999.

<sup>38</sup> Testing consisting of normed, validated public service batteries. *Interview with Dr. Patricia Gallagher, of Psychological Testing Service, URI/CCE, by Executive Director, 1/8/2001.*

<sup>39</sup> Report of the Independent Commission on the Los Angeles Police Department, 1991.

## **RECOMMENDATIONS**

- 1. Recruitment for all police agencies become a part of the responsibility of the enhanced POST Commission on Standards and Training/ Training Academy proposed in the Progress Report of the Select Commission.**
- 2. Recruitment must become an ongoing, proactive and continual process for municipal officers and the Rhode Island State Police. Projection of expected openings annually ---with a cushion for unforeseen retirements and resignations ---needs to be submitted in a timely fashion to the enhanced POST on Standards and Training/Training Academy.**
- 3. Application forms and process must be standardized for city and town police agencies and continually available in a number of community centers across the state. An emphasis on locations of convenience for minorities and young people should be continued.**
- 4. Statewide and national advertisement of recruitment with targeted, synchronized, campaigns in venues of interest to a pool of desirable candidates must be demonstrated. Colleges and universities designated as Historically Black Colleges and Universities, the Tribal Colleges, Colleges with high percentages of Latino/a population and Asian and Pacific Islander population should be included in any national recruitment effort.<sup>40</sup>**
- 5. Outreach to high schools, colleges and universities within and outside of the state of Rhode Island. Career day appearances and career fairs, student publications, use of the Internet, etc.**
- 6. Background investigation for each candidate along the State Police model and beyond a simple check of references. Polygraph examination of candidates if approved by the Rhode Island Legislature.**

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<sup>40</sup> A list of such institutions was included in the Progress Report and is available upon request.

7. **Assessment of recruits will be centralized and the responsibility of the POST Commission on Standards and Training/Training Academy. This Assessment Center would assess candidates' physical agility, mental attributes, psychological attributes, interview skills, and aptitude for a police career. Potential sources of bias must be assessed and be cause for disqualification of an applicant.**
8. **Lists of Assessed Candidates are then prepared for each city and town, or state, selection committee, with contact information. Candidates who have passed assessment will receive a list of police agencies with openings for the next recruit class with contact information. A "Match Day" might be then facilitated for assessed recruits and city/town/state personnel officials.**
9. **City/town/state selection committees would ideally have community representation. Offers to send the recruit for training from a particular department would be made only from candidates who have passed assessment. This would not preclude an agency's personnel process from requiring additional screening(s) and qualifications for their candidates.**

## *II. Recruit Training*

As described by the Select Commission in its Progress Report, the state of recruit training in Rhode Island is currently decentralized into three separate academy facilities. Many interviewed police administrators and trainers indicated a degree of overlap in curriculum as high as 70-80%. The Rhode Island State Police Academy is residential, providing a total environment and esprit de corps similar to military basic training to which the State Police remain proudly committed. Classes for State Police recruits have been on an every other year cycle, as funding and openings take place. The Rhode Island State Police will be recruiting for a new class in the next fiscal year. The Providence and Municipal Training Academies are not residential environments, although evening scheduling of training does take place. The Rhode Island Municipal Police Training Academy graduates between eighty to one hundred and twenty recruits in four classes each year. The Providence Police Academy has had recruit classes varying

in size from over forty recruits to the most recent class which graduated five officers, including one who will serve the town of East Greenwich.

Although certainly the professionalism of instruction and the breadth and depth of the curriculum are of paramount concern to this Commission; the environment where recruits are first immersed in community service says something about the importance of what goes on there. The physical plant aspects of all three academies leave a good deal to be desired: The State Police Academy in Scituate is located in barracks-style buildings which date back to the mid 1950's. The RI Municipal Police Academy shares space with Community College of Rhode Island, with staff utilizing three cramped offices and a single classroom. The Providence Police Academy is situated in the middle of an urban neighborhood, which has distinct advantages. However, the building is somewhat dilapidated, with heating/cooling conditions less than optimal. The Municipal Academy and the Providence Academy utilize some form of "role play space" at off-campus sites.

It seems to this Commission that economies of scale could be achieved by consolidating facilities where appropriate: technology equipped classrooms, staff offices, gymnasium, pool, firearms range, tactical 'model city,' and emergency vehicle driving course. Further, and perhaps most importantly, there would be benefit in an ongoing sharing of expertise and instructional methods by the best possible full time training staff. Partnerships with community groups and organizations would be more seamlessly worked with a single training location and entity.

## **RECOMMENDATIONS**

- 1. Recruits receive basic training from within the Unified Criminal Justice Academy. Facilities to be upgraded to state-of-the-art.**
- 2 Implementation of the plan for the Peace Officer Standards and Training Commission that will arise out of RI H-6139.**
- 3. Implementation of the plan for a Unified Criminal Justice Academy that will arise out of RI H-6139.**

4. **Standards for basic core curriculum for all law enforcement officers in this state.**
5. **Minimum standards for basic instruction in the subject of interpersonal skills relating to diverse populations with an emphasis on the awareness of cultural differences.**
6. Pooling of resources in instructor development programs within and outside of the state should be encouraged to maintain effective and current instructors.
7. **Emphasis in basic core curriculum on ethical and professional behavior.**
8. **A philosophy of nondiscrimination in the control of criminal behavior and in the provision of community service should permeate the curriculum.**
9. Partnerships and relationships established with the colleges and universities in the state with criminal justice programming and resources.

### *III. Inservice Training*

As previously described, the Commission finds that two additional critical stages in training require a specialized curriculum and certification process: for field training officers, and for first-line supervisors. But all officers, whether involved in supervision or not, need to update and improve the skills needed for successful community service. We found, to a great degree, efforts at inservice and continuing training for police officers to be unsystematic and scattered, with a surprising degree of decentralization for a state this size.

Mandated in-service for all officers for firearms proficiency, domestic violence, and certification for those who are breathalyzer operators. Non-mandated training occurs in several forms. Agencies do utilize the roll-call time period for legal updates, policy and rule changes, and crime trends. Although cost effective, the roll-call training pieces seem woefully inadequate to entirely address the continuing training needs of police agencies in these changing times. In the first two chapters, the Commission has made recommendations specific to inservice training regarding tactical approaches to deadly

force and off-duty intervention. We recognize that these aspects of training speak, thankfully, to only a small percentage of the encounters an officer will have during his/her career. On a daily basis throughout a police career, officers will interact with citizens across a broad spectrum of human emotions and behavior. It is in these aspects of continual skill development that the Commission and the public we heard from find the most opportunities for improvement.

## **RECOMMENDATIONS**

- 1. A First Line Supervisory course be offered at the Police Academy to introduce officers moving to Corporal or Sergeant ranks to the concepts of supervising, managing, and mentoring others. Curriculum should include, but not be limited to:**
  - a. Early Warning Systems**
  - b. Evaluating and coaching employees**
  - c. Motivation**
  - d. Intervention with problem officers**
  - e. Ethical behavior and professional conduct**
  - f. Effective cross-cultural communication**
- 2. Rhode Island Police Chiefs consider the mentoring and development of supervisory and management level command staff for their own and other departments as a responsibility. Recommending officers with leadership potential to programs such as Leadership RI, Management Institutes at Bryant College and New England Institute of Law Enforcement, the FBI Academy, etc. will ensure a talented applicant pool for high-level command positions throughout the state.**
- 3. Field Training Officer Certification Course: Curriculum specific to, but not limited to, the mentoring and evaluation of new recruits, socialization into a community service occupation, ethical behavior by police officers.**
- 4. Mandatory training in tactical communication every three years.**

5. **Inservice training in nondiscrimination in the control of criminal behavior and in the provision of community service.**
6. **A minimum number of continuing training hours required for recertification every three years. Units of continuing training would include some mandatory ‘core’ elements and some that could be elected and focused on specialized training an officer or department needs.**
7. Partnerships with Rhode Island colleges and universities for provision of inservice training needs and the sharing of resources and expertise.

#### *IV. SENSITIVITY TRAINING*

While sensitivity training has been a primary concern of both the community and the police departments across the state it seems that the sensitivity training has been more of theoretical exercise than praxis. At the numerous hearings across the state the Commission repeatedly heard painful testimony from members of all communities of Rhode Island. We saw many a number of youth testify to negative encounters with police officers. We heard the many parents testify that they teach their children not to trust the police and to turn to their community rather than the police if they need help.

Accounts were given to the Commission of the divide between the police and various immigrant populations within the state being so great that these communities have in fact taken to policing their own neighborhoods. The vast majority of testimony came from marginalized populations within Rhode Island (African American, Latino, Southeast Asian, Gay/Lesbian/Transgender, Youth, etc). We heard police officers of color themselves relating stories of how they had been racially profiled. We heard testimony of how the children of police officers had been profiled in ways strikingly similar to complaints made by their fellow community members.

There is clearly not a lack of service providers geared specifically toward what has been termed “sensitivity” training.<sup>41</sup> Rather there has been a lack of commitment to this end from the police departments, the community leaders, and the community itself. While it would be simple to put within this report that all police officers must go through

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<sup>41</sup> See Appendix 6 for list of Sensitivity Trainers within Rhode Island



mandatory sensitivity training, it would not solve the problems facing the community of Rhode Island.

Repeatedly we heard complaints that the police needed to have “diversity” training. There are a vast number of trainers across the state teaching a wide array of topics, all of which may fall under this umbrella of “diversity” training. Whether this training is specific to bias, race, sexuality, mental health, elderly, youth, culture, gender etc. there is one common denominator and that is *the respect of humanity*. Each training academy provides a separate curriculum in these areas. The majority of these training sessions are conducted in block format. Each department is responsible for determining the extent these issues will be addressed in the field training that will be provided to the rookie cop.

There are a number of dilemmas that come with the implementation of multiculturalism into societal structures that have spent the majority of the last century built upon precepts of separation and difference. Education is quite often the path chosen or one of the fundamental vehicles utilized to create a more multicultural or tolerant society. When we seek to create a more understanding society we must look at the structure within which this education will take place.

Higher education in the United States suffers from similar dilemma that we see with the training academies for police. When the universities were forced to integrating their curriculum the end result was the creation of small specific departments set aside from the larger existing structure. The world literature course would still be based solely on Norton’s English Anthology of Literature but in the new integrated and “multicultural” academia you would find specific classes for those students interested in “African Literature, Latin American Literature, South East Asian Literature, Irish Literature etc.” While this move must be recognized as progress, we must also recognize that integration of curriculum within the majority of higher education occurred with as little disruption to the status quo as possible. Rather than a staging a reinvention of the curriculum to include within the World Literature course the Latin American, Asian American, African American, Irish American etc. etc. etc., higher education went for the quick fixes and established minors for those students who chose to have an integrated curriculum.

Similarly we see the few hours of block training devoted to the diverse communities. By the very nature of this training being seen as set aside, not fully integral

to the philosophy of academy training of the law enforcement recruits, we may perpetuate with training what we most wish to change. In order to truly have a substantive impact on the recruits, the recruit's entire experience at the training academy must reflect an organization that endorses and embraces tolerance and understanding. Within training manuals race, class, and sexuality are addressed but primarily as criminal trends. This helps to reinforce any negative stereotypes that may exist in a recruit's mind.

A tremendous concern in regards to the training programs that are in place is that they exist as block training. In other words a recruit or an officer signing up for a particular inservice training will receive anywhere from 2-4 hours of training on "multiculturalism/diversity/sensitivity training". This block training method while essential and informative as to policies and procedures relating to policing diverse communities, does not bring the various communities of Rhode Island any closer to their law enforcement community. While the existing training system is helpful it does not provide promise of long term behavioral or attitudinal changes within department. Rhode Island is a diverse community as a whole. Given the size of this state even the most homogenous communities within the state cannot afford to resist training their departments on issues of multiculturalism and diversity.

Based upon the research gathered by the Commission, requirements for 'sensitivity training' have already been established or are in the process of being formalized by the three training academies within the state and amongst the individual departments. While the wheels of change are in motion the academies must consider how committed they are to embracing tolerance and understanding. They must look through the training manuals and use of force simulations and determine whether the references to race, culture, class are negative and if a few hours of sensitivity training will impact the recruits.

Another concern is that such sensitivity training requirements will not be retroactive. Sensitivity training must be a continuous and ongoing learning process for all members of Rhode Island law enforcement whether they are a 25-year veteran or a rookie fresh out of the academy.

In the Commission's research and visits across the state one of the repeated concerns of the Community was *"what is this Commission going to do to help us...you (the Commission) are finding all these solutions for police departments but when the*

*Commission makes its final recommendations what will it have done for the Community?”*

While there are a number of excellent and professional sensitivity trainers across the state we need to develop additional training to incorporate sensitivity in practice. The communities that are served by the police can serve as the best teachers to the police officers sworn to protect and serve them. The community needs play a significant role in this training. The trust and understanding that need to be rebuilt can only happen when the community and the police build partnerships toward reconciliation and understanding.

The “multicultural” training program established in 1996 at the Providence Police Academy offers recruits multiple levels of communication and sensitivity training. Of particular interest is the practical aspect of training involved in the Providence Academy. Rather than sitting in a classroom environment discussing the policies relating to hate and bias crimes and the cultural norms of the communities in Rhode Island the recruits are required to put in community service hours within the community they are to serve. This is a practice that must be developed further by Providence and the other municipalities but it is a great beginning. The mutual benefits to both the community and the police will assist in rebuilding the trust that has dissipated over time. The police must have a strong working relationship and participation with the various centers serving the populations they are sworn to protect and serve. Such practical training will not replace the existing sensitivity training. Classroom training and workshops are essential but they must be complemented by practical applications. This practical training will afford officers with the opportunity to foster partnership with communities that currently feel isolated. It is simply not enough for officers to know the cultural norms of the African American, the Latino, and the Southeast Asian communities the police and the communities must know and understand each other.

Of considerable concern are language barriers that continue to exist amongst non-English speaking residents within Rhode Island, as in many other states, the number of police officers who are bilingual is minimal. There must be a concerted effort by the police leadership to adopt proactive policies to address these language barriers. Of course one obvious solution would be to recruit from within these communities. Another possible consideration would be for officers to utilize the tuition reimbursement program and learn to speak languages within their community. With an ever-increasingly diverse community law enforcement cannot afford to be ill-equipped to deal with the isolation

and tendency toward self-policing that are natural outcomes of these communication barriers.

“The police are rude and disrespectful.” This was the most commonly heard complaint in regards to communication from the people of Rhode Island. The police must recognize the position as authority figures and role models for the community. Significant to this role the most simple manners. While it is understood that every day the police are on the front lines dealing with some of the worst human behaviors and conditions, their reputation is directly related to the professionalism with which they execute their daily duties. It is essential that when the community crosses a line of being rude and disrespectful toward the police that the police remember their position of authority and not abuse it in even the subtlest manner.

In order to affect change within the State of Rhode Island the entire community must recognize their responsibilities as primary stakeholders toward a mutual understanding between the police and the community. The community also needs training on how not to behave antagonistically toward police officers. We have an entire generation of youth that are being taught that the police are not to be trusted and thus not to be respected as authority figures. Based upon witness statements made to the Commission there are many negative encounters between police and community that manifest out of mutual lack of respect.

## **RECOMMENDATIONS**

1. Training of recruits should include a community service component within communities to be served as an officer. Such internships should be highly interactive with community.
2. **Continuous ongoing training on diversity issues coordinated through RI Criminal Justice Academy and conducted within the community.**
3. Creation of civilian led Division of Training and Education within the RI Criminal Justice Academy charged with balancing out the law enforcement curriculum with training, which provides the police officers with the essential skills needed to relate to the community. All non-police trainers are to be

partnered with police officers who will be trained as trainers in these specific areas. Sample issues include but are not limited to:

- a. racial and cultural diversity
- b. hate crimes
- c. anger management
- d. sexual and gender orientation
- e. gender
- f. communication skills
- g. mediation conflict resolution skill
- h. language
- i. family violence
- j. sexual assault/harassment
- k. drug abuse
- l. mental health
- m. youth development and behavior
- n. ethics
- o. issues relating to recent immigrant populations (look to “Facing History and Ourselves”, Boston based organization with Federal Contract to train INS officers)

**4. Translation services strategy. All Departments must adopt comprehensive policies addressing language and service to the sensory impaired.**

- a. These policies must consider current response time and quality of service delivered to these populations.**
- b. Incentives should be provided for those who learn new language, sign language etc.**
- c. All policies must be translated into languages in use within the community served.**
- d. Training must be provided in various languages to various non-English speaking communities.**

- e. **Recruitment efforts should target these communities isolated by language barriers.**
- 5. **Training of police trainers in Kingian Nonviolence. Training of community leaders and police officers to create *task forces* within individual communities. Through such community partnerships, intervention of community issues may be have a quick and effective response from both community and police.**

## CHAPTER SEVEN: RECONCILIATION

*“For me, reconciliation is breaking down the walls of ignorance and fear, and bringing together individuals and groups that need to be together to accomplish understanding and genuine concern for one another...The alienation of people and groups is counter productive to any kind of progress, any kind of human understanding. Alienation is such an evil terms of a culture finding its way into light and understanding and caring. That’s what we human beings were created for; it’s the purpose of culture to support us in doing that. If we are really alienated from one another, it’s like a body whose immune system has turned against itself: the body’s system works at destroying itself...The whole concept of reconciliation is based on the willingness to step out of safety and be able to really hear, appreciate and respect the other person’s point of view—and then share back with them our own very real feelings, concerns, hopes and dreams.” John Koekkoek*

On the first anniversary of the death of Sgt. Young, hundreds of community members, government leaders, clergy, police officers, childhood friends and family of Sgt. Young gathered in two ceremonies in Providence to mark the occasion. Both churches swelled to the rafters with the sound of the celebration of a life whose impact is found in how well it was lived. “He was a peaceful person,” Leisa Young said of her son. “He wanted to enact change in a way that would last...what can we do to make things better?”

Indications exist as of this writing of such change well underway: burgeoning dialogue between and among communities and the police who serve them, new leadership in the Providence Police Department visibly engaging with the community, efforts to improve accountability and expand professionalism in law enforcement agencies. Multiple avenues of communication such as partnerships between churches serving different races, the NCCJ’s continued Study Circles on Race, the Reconciliation Fellowship, and the Rhode Island Victim/Offender Restoration Program, give us hope as well. These efforts need to continue and expand beyond the current intensity of public scrutiny and the report of the Select Commission and the Providence Blue Ribbon Commission. To ensure that the commitment to justice and community reconciliation does not recede over time, it is vital to capture the momentum with structures of accountability and institutionalization of community inclusiveness throughout police and community work. Precisely those structures and methods of interrelationship have been the focus of the Select Commission’s Progress Report, proposed legislation, and these Report Recommendations.

## NEXT STEPS

*“There are some parts of our history of which we should not be proud---however, history cannot be changed---only our future...break through the barriers so that decency and integrity have a life,...a life that is at the core of our becoming a whole society, a new, just and better, Nation.”*

*Susan Bradley, March 1998.*

The Select Commission foresees an historic opportunity for Rhode Island as a state to become a model of police accountability, improved race relations, and enhanced community policing for the nation. The means are within our grasp and we welcome the challenges posed by this report and the needs expressed so articulately throughout the public hearings and contacts with Rhode Islanders. We hope and pray that this work will not be put unfinished on a shelf to gather dust, as we have seen the results in Cincinnati and elsewhere when such efforts go unimplemented. For those reasons we are grateful to Governor Lincoln Almond for his willingness to continue the Rhode Island Select Commission on Race and Police-Community Relations while there is important work yet to be done.

Implementation and monitoring of the course of short- and long-term recommendations will require the energies and talents of Commissioners and staff working with community members, law enforcement, and legislators. We wish to harness the synergy of our first conference with police and community leaders in an expanded fall forum on the topics of community and police partnerships and race relations. Additionally, the Commission has planned continued outreach to the youth of our state whose eloquent expression of the injustices they perceive moved us all.

## RECOMMENDATIONS

- 1. Oversight of major recommendations through implementation and pilot programs.**
- 2. Work with the General Assembly on matters requiring legislative action.**
- 3. Review the entire proposal with each Chief of Police in the state and key city and town administrators where applicable.**



- 4. Keep public informed of both progress and negative responses in implementation efforts.**
- 5. Bring together community members with experiences of injustice to express and vent feelings with police representatives trained to listen.**
- 6. Foster opportunities for police and community members to work together on project(s) of community importance which would also have symbolic value.**

## Table of Appendices

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## **PUBLIC HEARINGS**

Each hearing was transcribed and each transcript is part of the archive of the Commission at the Secretary of State Office at the State House and is public record which can be reviewed by anyone with an interest. Hearings are summarized below. Speakers at hearings for students are not identified due to their age.

### **1. Pawtucket, Cumberland, Lincoln, Central Falls**

On September 13, 2000 a public hearing for this region was held at the Cape Verdean Community Center on High Street in Pawtucket. Approximately 25-30 people attended. Leadership from the Cumberland, Pawtucket, and Central Falls Police Departments were there along with the Mayor of the City of Pawtucket and a City Councilperson. Testimony was heard from members of the religious community, the police department leadership and the public at large.

“One of the things we’ve been experiencing in this area is a fairly large divide between the police and the community... Police should be encouraged through a variety of levels to achieve an exceptional level of proficiency in multicultural understanding, contact, and experiences... They need to be more proficient in their use of these skills than in the use of firearms.” *Rev. Michael Devine, St. George’s Episcopal Church, Central Falls.*

“What are we doing to change the hierarchy in these police departments? I don’t see that much diversity (in the leadership of the police)” *Kareem Kanston, Director of the Multicultural Center at Johnson and Wales University.*

“There are 36 states in the country that require a minimum amount of mandatory inservice training... 40 hours per officer per year. We don’t do that in Rhode Island.” *Chief Anthony Silva, Cumberland Police Department.*

“One of the issues teen population has is that they see the officers as a gang because of the uniform. I’d like to see some community based projects or programs where the kids can see the officers as people without the uniform.” *Dan Rodrigues, Boys and Girls Club of Pawtucket.*

“How can we help people feel safe? Even in talking about different things... to the police and community without any repercussions?” *Sister Judith Soares, RSM of Amos House.*

### **2. East Providence, Warren, Bristol, Barrington:**

On September 20, 2000, a public hearing for this region was held in East Providence City Council Chambers, Taunton Avenue, East Providence. This hearing coincided with the National League of City and Towns “Undoing Racism Day” and a proclamation to this effect was issued by the Mayor of East Providence and the City Council at the beginning of the hearing. Approximately 45 people were in attendance.

“Every male in my family has been stopped by the police while doing whatever they were doing without any suspicious activity... pictures were taken of them, they were asked for their name and address... (My son) sees a police officer, and he has to take inventory, is there anything I’m going to get stopped for? He’s

fifteen years old. We don't have much time to develop a better relationship (with the police.) We've got to do it now." *Mary Ann Matthews, East Providence resident.*

"It's sad, that as a parent of a black child, especially male...that every time they walk out that door we're petrified, afraid of what's going to happen. We're scared. I'd like to see some relationship with the police department where as parents we won't have fear... Black people don't trust the police. They're afraid of them...I think this is the biggest problem: minority parents are very afraid to tell their children to go ahead and trust the police department, they're your friends. We assume they're not our children's friends. They're marked, especially minority young men, 16-18 years old." *Gerry Spinola, East Providence resident.*

3. **North Kingstown, South Kingstown, Wakefield, Narragansett.**

A public hearing was held at the Multicultural Center of the University of Rhode Island. Approximately 20 people were in attendance, many young teens from the Boys and Girls Club of Rhode Island and the Male Responsibility Project from South Kingstown.

"What I am seeing here in this particular community I am finding this problem is class, and that is economic class...there has to be some sort of a sensitivity as to the community for which you are serving...young men, especially minority young men, you don't have to do anything. You can just be here, walk down the street and they are telling me that they are stopping and frisking them simply because they are walking down the street..." *Wilburn Logan, South County Community Action.*

"I have known instances where police officers, brothers and sisters of ours, Latinos, African Americans, Creole, go into the police department and they are no longer our brothers and sisters. They belong to that blue wall or that blue uniform, so while I am for the idea of more minorities in the ranks, I caution that that is not the only answer...Why can't they all be community officers and all of them work in the community?" *Alberto Cardona, Progreso Latino.*

4. **Woonsocket, Pascoag, Burrilville, North Smithfield**

A public hearing was held on October 3, 2000 at the Woonsocket City Hall Council Chambers. Few community members attended approximately a dozen individuals.

"There is a concern about racial profiling within the entire state and country. We've had a policy and we have a police which basically tells our officers it will not be tolerated. we made a lot of strides in going in the right direction...We see ourselves as citizens of the City of Woonsocket." *Captain Crepeau of Woonsocket Police Department.*

"One of the reasons why the Racial Justice Task Force has been so successful with the Woonsocket Police Department and the community has been a conscious desire for the Woonsocket branch of the NAACP and various other religious and civic leaders to hold the police accountable...our desire to bridge the gap that existed. It's one thing to enforce the letter (of the law) but the letter has

no soul if it doesn't have a spirit to it, if it doesn't have the flesh to it and a beating heart. So coming out of the police car and actually walking the beat and actually shaking hands and actually asking people their names, not last names but first names...and their desire to establish first a name basis and...to desire community policing as (not merely) a tour of duty but as a conscious effort to establish relationships. *Reverend Dr. Turner of Woonsocket.*

5. **North Providence, Johnston, Scituate, Smithfield:**

A public hearing was held on October 12, 2000 at the North Providence High School Auditorium. It was sparsely attended by community members beyond several law enforcement officers.

"My recommendation is there has to be some sort of modification to the Policeman's Bill of Rights...we cannot allow police to investigate police.... If a citizen does have to file a complaint against an officer, there will be a clear and concise and understandable complaint procedure." *Ken Hobson, Coventry resident.*

"Accreditation...brings as far as I'm concerned a level of commitment to your department to maintain excellence in police performance and excellence in the highest portion of officers that you have obtaining excellence in their conduct." *Deputy Chief Scotti of Johnston Police Department.*

6. **Westerly, Charlestown, Hopkinton, Richmond:**

A public hearing was held on October 19, 2000 at Westerly Town Hall. Approximately 20-25 people were in attendance.

"The first thing that comes to mind is respect. Many of our people are hard working. There are stone masons, carpenters. They are not dressed up in a three- piece suit or a sports jacket and a necktie. Their hands are honest hands that do honest work. But they are not treated with respect. Whether you're being stopped because you were caught speeding, or whether you were being stopped because a taillight is out, or some suspicion, treat the people with respect. That would be the first and main priority." *Paula Dove Jennings, Narragansett Tribal Council.*

"I know one of the mistakes we made in establishing community policing programs was a lack of education...They forget to educate the rest of the police officers as to what community policing is and what that attitude is all about. And what happens is a community police officer is sometimes pushed aside, becomes (seen as) not doing real police work; that's the sort of attitude he faces. And my fear with all this is that we might be heading in that ...same direction. I would welcome in-service training and recertification." *Ron Gaccione, Westerly Police Department Community Policing Division.*

7. **South Kingstown, Peacedale Community Action:**

On October 25, 2000 the Commission was invited back to South Kingstown and a hearing was held at the South Kingstown Junior High School on Curtis Corner Road. This hearing, although lightly attended with fewer than 20 people, was an opportunity the community asked for after stating that residents of

some of the neighborhoods in South Kingstown were not comfortable going to a University of Rhode Island setting.

“What does it take to be a good police officer? .... It’s a burning desire on the part of those young cadets to be a police officer. It’s not a whim. It’s not just a passing fancy. Most of those men in my class, usually 35-40 have a passionate burning to be part of the police force, something they wanted to do since childhood. That really reinforces my opinion that attitude has to come from a positive feeling about law enforcement officials when you are young. We’re going the other way here in terms of kids of color.” *Harold ‘Cap’ Smith, South Kingstown resident and Academy instructor.*

“A lot of police are not sensitive. They may be trained, but they’re not using their training when they approach a young black man.... The police approach escalates the situation.” *Wilbur Logan, South Kingstown founder of Male Responsibility Project.*

8. **Cranston, Warwick, West Warwick.**

A public hearing was held October 26, 2000 at Cranston City Council Chambers. Approximately 40 people were in attendance.

“In 1994 a group of individuals got together and decided that we needed to do something about race relations in the State of Rhode Island, so two laws came into existence. Title 28-5-1 which is an Equal Employment Opportunity Affirmative Action State Law and ..94-800 Sub A...State Employee Law...these are not being enforced since 1994. (They) do not have any sanctions or penalties in this law....There has to be a sanction and a penalty.” *Norman F. Lincoln, Warwick resident.*

“I don’t know what happened, but there was a terrible breakdown. There was a total loss of confidence in the police. It is scary when the people who are most responsible to protect the community are unable to do that...The solution lies somewhere in the Commission to get in to get the ...community to begin to talk hold of what you’re trying to do and to get the systems up here ...law and order...to start recognizing that there is heart and soul in (the) community.” *Brother Michael Reis, Chief Executive Officer of Family Services, commenting on the Rivera shooting and the summer of 2000 in Providence, October 26, 2000.*

9. **Newport, Middletown, Jamestown, Portsmouth, Tiverton, Little Compton.**

A public hearing for these communities was held at the Dr. Martin Luther King Jr. Center on Marcus Wheaton Boulevard in Newport on November 2, 2000. Approximately 40 people were in attendance.

“First, like teachers, police officers (should) take continuing education courses. And it’s required. You have to update your skills, your knowledge, your ideas.... starting with Kingsian Nonviolence... for me it was life-changing and I would recommend that every police officer in this state be enrolled...(Instead of) talk(ing) about the number of complaints they’ve received ...it would be much better to talk about the number of times the officers learned new things.” *Ann Mack, North Kingstown, educator.*

“I’m concerned and I believe very strongly that one of the ways that we’re going to be able to respond to so many of the issues relative to police not being appropriate in their behavior is with the establishment of a citizen’s review board.” *Frances Bristow, Newport community activist.*

10. **Testimony from the RI Gay and Lesbian Alliance and the Brown University Lesbian Gay Bisexual Transgender Alliance**

October 23, 2000 Commission. Meeting.

“The victims themselves have to come up and articulate that this is a hate crime and this is why they were violated because of their sexual orientation...to be in that position at a moment of vulnerability ...where the police can’t look at the crime and see that it’s pretty evident(ly).. homophobic bashing.” *Lisa Cisneros, Brown University student and President LGBTA.*

“My biggest concern is a lack of accountability when there seems to be what ...is a grievous breach of policy and civil rights violations...I think (the Police Officer’s Bill of Rights is) a real stumbling block in terms of holding people accountable, and I think that the amount of time that you have to wait when you file something with Internal Affairs to actually get a hearing is too long for there to be real justice through that process.” *Marc Cohen, President of Rhode Island Gay and Lesbian Alliance.*

11. **Police Constituent Hearing:**

A hearing for RI Police Officers was held on November 10, 2000 at the Department of Health Auditorium in Providence. Fifty officers representing 19 agencies were in attendance.

“My family is not politically connected. I knew members of the police department...but I wasn’t connected enough...I had to go out of state. In Rhode Island a lot of it isn’t necessarily race. I’m minority, I speak two different languages, military service, and I went out of state. So it’s not a matter of being black or white; it’s a matter of whether or not you are politically connected. *LAPD Officer Joseph Ferreira, Pawtucket native.*

“I’m just the opposite (of Officer Ferreira) I came from New York just outside of New York City. I was going through Rhode Island with some friends from Rhode Island, we stopped at the malls or whatever, the recruiting stand was there. Friends of mine that lived in Rhode Island that were minorities said, ‘Don’t bother, it’s political. They don’t hire black, you’ll never get on.’ And that was their attitude. It wasn’t my attitude. I filled the card out and here I stand.” *Trooper Wil Hill, Rhode Island State Police.*

“Thirty-seven states, last I checked, have a standardization procedure and actually have a certification for their police officers. In other words, you can get hired by a department, but you maintain that certification. Or if they pull your certification, you can’t get hired anywhere.” *Lt. Denis Riel, Lincoln Police Department.*

12. **East Greenwich, Exeter, West Greenwich, Coventry:**

A public hearing was held at East Greenwich Town Hall on November 16, 2000.

“Even if (the Young shooting) did not constitute criminal behavior, who is responsible for...accidents? If we don’t take responsibility for our actions or our thinking, we will never make the effort to change the thinking that leads to undesirable, that is, criminal, behavior. It seems to me we need to put ourselves, our law enforcement officials, or just private citizens, anyone who uses a gun, on a higher standard.” *Tony DiBella, East Greenwich resident.*

“Not just the police, but in our congregations, we have a resolution calling on parishes to participate in diversity training for the sake of the whole community. Whether you have a great diversity, racial or ethnic diversity in your town or not. We are citizens of more than just our town.” *Reverend Craig Burlington, St. Luke’s Church, resident of North Kingstown.*

13. **Providence, East Side:**

A public hearing was held on November 28, 2000 at Hope High School Auditorium, 324 Hope Street in Providence. Approximately 50 people were in attendance.

“The Commission should look at who gets on police departments, how are they trained, and how they are held accountable. State-wide training should take place at the University of Rhode Island and (we should) make sure minorities are included with diversification in appointment. The best minds and the best training, funded adequately should take place....Complaint procedures need to be standardized...we should be operating on one page in a state of one million people. A field training component is essential...with ...more training and ...more experience on the part of field training officers.” *Cliff Monteiro, President, Providence NAACP, current Sheriff, former Providence police officer.*

“Civilian review and dismantling of the Police Officer’s Bill of Rights that allows officers to perpetrate the most heinous acts and get away with it...the Commission needs to make recommendations which have some teeth.” *Everett Muhammed, Providence resident.*

“We have to have a legitimate ways of hearing from people who are hurt (by the police.) It has to become clear that this kind of police conduct will not be tolerated....good police work needs to be acknowledged...We must lead our state (in the emphasis) that people of our communities are all people of value.” *Reverend Doctor Virgil Wood.*

14. **Providence, South and West:**

A public hearing was held at the West End Community Center on November 30, 2000. Seventy people were in attendance.

“When I went through the system, I noticed how they manipulated the police reports, it was completely the opposite of the truth. I was in shock. I couldn’t believe that the system that is built to protect the community...was all against me. All I did in America was work. I came to America with a dream of



freedom, not (to) be suppressed any longer. In the land of freedom, I found myself oppressed.” *Walter Juarez, Providence resident.*

“It would be a real jolt if you would come out with one of your recommendations as a possible process to have some sort of external review board.” *Patricia Nolan, Providence City Council.*

“It seems to me that reconciliation requires two things. It requires openness and trust. Openness and inclusiveness in many decisions...I think the commission needs to understand that they need to bring openness to our government, openness in the fact that we are inclusive...We need to know how police officers are being trained.” *Lloyd Matsumoto, Rhode Island American Civil Liberties Union.*

“Common sense is not so common. I’m finding that to be true. Obviously it’s not common because otherwise we would never have police officers doing the investigating, being the hearing officers, being the judge, being the attorneys. Where is the help for people who are victims?” *Carol Monteiro, Providence resident.*

“There is a pattern of racism and brutality in the Providence police department...The bottom line to end up is no justice, no peace. There has to be real community control of the police. This internal affairs joke thing is over, it’s dead. It’s not going to be accepted by the community of color or the justice. That’s history...It’s time for the next phase.” *Bill Bateman, National Peoples Campaign.*

**15. Jointly Sponsored with Providence Blue Ribbon Commission:**

A public hearing was held on December 11, 2000 at the Lillian Feinstein Senior Center in Providence. Forty people attended.

“When you’re dealing with an organization like the police department which I believe is a service organization...you cannot measure it using a business model. It’s a public service. It’s important that we think about how we’re measuring the effectiveness of the police department, and then maybe we need to look at other ways to measure. We can’t measure the crimes that didn’t occur because a police officer drove down the street. Does that mean that police officer wasn’t working?” *Lisa Nebel, Providence resident.*

“What you’re struggling with is what is the function of a peace officer in a democracy that doesn’t violate the rights of the police officer and protects the rights of the citizens...Once you say ‘I’m a police officer’ you have certain criteria and expectations. You have to inspect what you expect and if you leave hear and let the police decide and they don’t see you anymore, then shame on you. You deserve whatever police department you get...Internal affairs has to be transparent. It has to have respect for the community.” *Charles Alphen, Sr. Atlanta, Georgia resident and former police officer.*

16. **Narragansett Tribal Hearing:**

A public hearing was held on December 6, 2000 at the Four Winds Community Center, Charlestown. Forty-five people were in attendance.

"Our lands are held in trust by the United States of America. State of Rhode Island, still, has not recognized the Narragansett Indian Tribe. If we were pan-handling Indians, sat on the side of the road, weaved baskets and had marked Thanksgiving dinners and didn't have federal recognition, they would probably welcome us with open arms...The fact is we are non white, we are Narragansett, and they just don't want to accept that fact. I will tell you the people we feel sorry for are the people that don't have the federal laws to protect them." *Chief Sachem Matthew Thomas, Narragansett Tribe.*

"No ethnic or racial group has been prejudiced or discriminated against more than Narragansetts in this state because the history in this state is founded on our history and out of our expense, so no one has suffered more discrimination or prejudice than the Narragansett...we have experienced this for well over 400 years from the dominant society and it has to end. *Randy Noka, Narragansett Indian Tribe.*

"I have been here a little over four years. I have been stopped seventeen times...I'm a wife, a mother, and a grandmother. I have no drugs...Obviously a Narragansett can't live in a larger than a two-room shack, and heaven forbid we live down on the beach in a 2,800 square foot house. Wasn't supposed to be there...When I called to complain about this man's behavior, I was told I was ignorant...that (the officer) was upholding the law and doing his job and if I had been one of the homeowners down there...and a strange person like me was sitting in the yard, wouldn't I have wanted the police to stop? I said, well, I am that person. She hung up on me." *Roselyn Brown Barnett, Narragansett Indian Tribe.*

## **High School Hearings**

17. **Central High School**

A public hearing for students and faculty of Central High School, Providence, took place on February 26, 2001. Between 350-400 students attended during the day.

"Most of us where we live it's like the ghetto. It takes forever for the police to come to our house, but if we was in the rich community and we called for a simple hit and run, they'd be there in one minute. I mean, they take forever and they don't believe us. I think that something should change about that. They believe adults over us and when we tell the truth, they think that we're lying." *Student, Central High School.*

"I see that teenagers don't like cops and cops don't like teenagers. Maybe it's due to the fact that teenagers sometimes think we're the boss because we are eighteen or nineteen. But sometimes it has to do with the background of the cop. They come across like 'Hey, what are you doing hanging around?' Well, hello. I'm just sitting here. You know, just ask me nicely. If you respect me, I'll

respect you. There's no respect whatsoever for teenagers when it comes to cops. None whatsoever." *Student, Central High School.*

"Cops need to be trained to talk to people. To have people skills, and teach them to treat people with respect." *Student, Central High School.*

18. **Rogers High School**

A day-long hearing was held at Rogers High School in Newport on April 23, 2001. Approximately 500 students attended, including visiting eighth graders from Thompson Junior High School in Newport.

"I understand that there are kids who do illegal things, but also there are kids who don't ...so if we are in a predicament where something might go wrong, a cop will never ask you what is going on. They will always assume that you are doing something wrong because of other kids who do things wrong, and I understand that...but still cops never give us the benefit of the doubt. It is always that we are doing something wrong." *Student, Rogers High School student.*

"I've got a lot to say about the whole profiling issue. I have an older brother who is 28 and African American. He was a big guy, and I remember him coming home at least 50 nights ticked off because he got pulled over walking down the street for absolutely nothing. He'd been thrown down on the ground, handcuffed. He had nothing on him. Called for warrants. Now he is on the cold concrete. I don't know how many times it happened to him, but my brother had to move out of this town because it was like that. He had to move down south. It is my experience that I'm coming of age now that the same thing is going to happen to me." *Student, Rogers High School.*

"I think when cops first get their jobs they mean well, but they see so many bad things in the community all the time that it changes them and they end up not being able to differentiate the situation that they had with a drug lord and pulling over a teen... they can't get out of that mode and realize they are just dealing with a child and they are just very angry all the time. That is my experience." *Student, Rogers High School.*